

1st Extraordinary and Regular Sessions

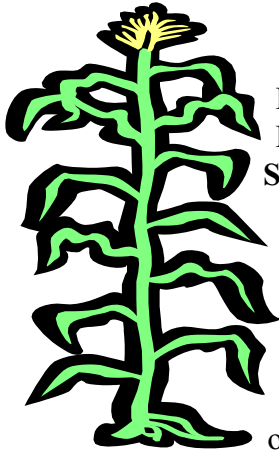
2011

Legislative Highlights



Agriculture/Rural Development

by: Curry Johnson
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ANIMALS

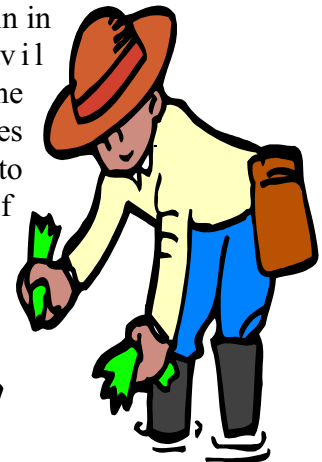
House Bill 170 by Representative Gary Smith (Enrolled) repeals the exception that sterilization requirements do not apply to an adopted dog or cat when the adopter executes a written agreement of obligation for the care of the adopted pet and any offspring and pays any fees set forth by the releasing agency.

House Concurrent Resolution 160 by Representative Ligi (Filed with the Secretary of State) requests the governing authorities of each municipality or parish to discontinue the use of gas chambers in animal control offices at the earliest possible date. Existing law provides for the abolishment of gas chambers, but with an effective date of January 1, 2013.

DEPARTMENT OF AGRICULTURE AND FORESTRY

Senate Bill 89 by Senator Thompson (Sent to the governor) authorizes representatives of the commissioner to copy necessary records of grain dealers, cotton merchants and warehouses when conducting audits. The legislation also transfers the authority of determining the expenses of the Agricultural Commodity Dealers and Warehouse Fund from the commission to the commissioner.

Senate Bill 90 by Senator Thompson (Enrolled) transfers all unexpended and unencumbered monies received from assessments at the end of each fiscal year to the Louisiana Agricultural Finance Authority for boll weevil eradication program expenses. The legislation also specifies that unexpended and unencumbered monies received from fees and penalties at the end of each fiscal year remain in the Boll Weevil Eradication Fund. The legislation authorizes the commissioner to determine the use of monies for boll weevil eradication program expenses.



Senate Bill 81 by

Senator Mills (Signed by the Speaker) creates the Louisiana Buy Local Purchase Incentive Program within the Department of Agriculture and Forestry to promote the consumption of Louisiana agricultural products by providing incentive payments to certain Louisiana restaurants for the purchases of Louisiana agricultural products. The legislation also creates the Louisiana Buy Local Purchase Incentive Program Fund to grant eligible restaurant establishments incentive payments for purchases of Louisiana agricultural products. The legislation requires the program and fund to terminate on December 31, 2014.

House Bill 193 by Representative Anders (Act 31) merges certain funds within the Department of Agriculture and Forestry. The legislation merges the Feed Fund and the Fertilizer Fund and creates the Feed and Fertilizer Fund. The legislation also merges the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Commission Fund and creates the Horticulture and Quarantine Fund. The legislation also expands the allowable expenses of the funds to include the office of agricultural and environmental sciences.



Capital Outlay

by: Martha Hess
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House Bill 2 by Representative Greene (Pending Concurrence), provides for the comprehensive capital outlay budget for Fiscal Year 2011-2012, including funding from the following sources of monies:

Federal Funds	\$	15,825,571
Federal Funds - TTF	\$	764,200,000
Transportation Trust Fund (TTF) - Regular	\$	152,441,705
Interagency Transfers	\$	21,111,595
Misc. Statutory Dedications	\$	45,364,000
Fees and Self-Generated Revenues	\$	104,006,350
Reappropriated Cash	\$	33,563,941
Revenue Bonds	\$	<u>168,120,000</u>

TOTAL CASH PORTION	\$	1,304,633,162
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Authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows:

Priority 1	\$	1,636,970,000
Priority 2	\$	124,665,000
Priority 3	\$	7,700,000
Priority 4	\$	15,915,000
Priority 5	\$	906,810,000

TOTAL GENERAL OBLIGATIONS BONDS	\$	2,692,060,000
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BONDS NRP/RBP	\$	<u>3,689,311</u>
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GRAND TOTAL ALL MEANS OF FINANCING	\$	<u><u>4,000,382,473</u></u>
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Bonds NRP is the reallocation of previously sold bonds.

Section 16 limits cash lines of credit or authorization of issuance of general obligation bonds to \$1,746,475,000.

Civil Law & Procedure

by: *Angela De Jean*
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Currently for the City Court of Ruston, the civil jurisdictional amount in dispute is \$25,000. Present law also provides that in certain courts, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000. **House Bill 237** by **Representative Gallot (Act 88)** increases the civil jurisdictional amount in dispute for the City Court of Ruston from \$25,000 to an amount that does not exceed the amount (a cause of action exceeding \$50,000 exclusive of interest and costs) for purposes of demanding a jury trial. In all other aspects, **House Bill 237** retains present law.

Similarly, **House Bill 402** by **Representative Huval (Act 103)** increases the civil jurisdiction for the City Court of Breaux Bridge. Present law provides that, unless specified otherwise, generally the civil jurisdiction of a city court is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000. In the city courts of Crowley, Hammond, Jeanerette, Jennings, New Iberia, Monroe, Oakdale, Rayne, and Winnfield, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute or the value of the property involved does not exceed \$30,000. **House Bill 402** includes the City Court of Breaux Bridge with those city courts having civil jurisdiction where the amount in dispute or the value of

the property involved does not exceed \$30,000.

House Bill 270 by **Representative Danahay (Sent to the Governor)** requires that a clerk of court or his employees be employed by the clerk and be a member of the Louisiana Clerks' of Court Retirement and Relief Fund for at least 12 years prior to retirement in order to qualify for continued insurance benefits upon retirement. Prior to **House Bill 270**, a clerk or any clerk's employee who retires under the clerks of court retirement program could elect to continue insurance coverage and the costs could be paid in the same manner as if he were still employed.

HCR 85 by **Representative Barrow (adopted in House Concurrence)** requests the Louisiana State Law Institute to study the laws regarding adoptions and make recommendations, on or before February 1, 2012, relative to establishing consistent but separate procedures and laws for all types of adoptions. Additionally **HCR 85** requests the Law Institute to study and make recommendations regarding adoption laws and procedures related to adopted persons obtaining information about their biological parents.

Relative to an adopted person, the law currently requires the state registrar to issue to the adopted person or to the adoptive parents

a certified copy of the new birth record, place the original birth record and copy of the judgment or copy of the act of adoption in a sealed package, and file the sealed package in the archives of the vital records registry. The sealed package shall only be opened upon the demand of the adopted person, or if deceased, by his or her descendants, or upon the demand of the adoptive parent, or the state registrar, or the recognized public or private social agency which was a party to the adoption, and then only by order of a Louisiana court of competent jurisdiction at the domicile of the vital records registry. The information provided shall be revealed only to the extent necessary to satisfy such compelling necessity. Further, all court records of adoption proceedings are confidential and cannot be open to inspection except on written authorization by the court. There is a limited medical exception for disclosure of gaining access to records of adoptions.

Senate Bill 155 by **Senator Martiny (Subject To Call - Senate Final Passage)** authorizes an adopted person who is twenty-four years of age or older to request an uncertified copy of such person's original birth certificate from the state registrar. When such request is made, the sealed package shall be opened and an uncertified copy of the original birth certificate shall be issued to the adopted person. **SB 155** provides that the uncertified copy of the original birth certificate shall be issued to the adopted person in accordance with the regulations duly promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record in the custody of the vital records registry.

HCR 126 and **HCR 127** by **Representative Willmott (filed with the Secretary of State)** requests the Louisiana

State Law Institute to study the use of translators in order to execute testaments and to study the authority of a testator to designate an attorney to handle legal matters of his estate, respectively.

The Uniform Probate Code and the Uniform Trust Code, promulgated by the National Conference of Commissioners on Uniform State Laws, include provisions for the establishment of "pet trusts". **Senator Broome's SR8 (filed with the Secretary of State)** urge and request the Louisiana State Law Institute to study revising state law to authorize creation of testamentary and inter vivos trusts to provide for the care of an animal.

Coastal Restoration

*by: Jerry Jones
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2011 Regular Session

Senate Concurrent Resolution 5 by Senator Morrish (Signed by the speaker), approves the FY 2011-2012 Annual Plan for Integrated Coastal Protection.

House Concurrent Resolution 34 by Representative St. Germain (Signed by the President), approves the Atchafalaya Basin Program Annual Plan for FY 2011-2012.

Senate Bill 145 by Senator Claitor (Pending in conference committee), provides relative to the gulfward boundary and coastline of Louisiana by extending the gulfward boundary from three geographic miles to three marine leagues (9 geographic miles or 10.357 statute miles).

House Bill 219 by Representative S. Jones (Sent to the Governor), provides relative to specific uses for the Atchafalaya Basin Conservation Fund by authorizing certain funds to be used by the Department of Natural Resources for the purchase from willing sellers of land, rights, or servitudes, including conservation servitudes, to improve water quality, access, or other projects consistent with the Atchafalaya Basin Master Plan.

House Bill 334 by Representative Champagne (Sent to the Governor), creates the Vermilion Parish Levee, Hurricane Protection, and Conservation District consisting of all the lands in Vermilion Parish and provides for its powers and duties. Removes Vermilion Parish from the Chenier Plain Coastal Restoration and Protection Authority.

House Bill 423 by Representative Howard (Senate Natural Resources Committee), provides relative to acquisition of property for wetlands mitigation associated with the Comite River Diversion Project.

House Bill 640 by Representative Billiot (Pending in conference committee), revises provisions relative to the rights and powers of levee districts, including provisions relative to permitting and conducting of nearby activities.

Senate Concurrent Resolution 18 by Senator Morrish (Filed with the secretary of state), requests the office of coastal protection and restoration and the Department of Wildlife and Fisheries to jointly study shoreline protection, effects on marine species diversity and habitat quality, and economic and other ecosystem service values of the Sabine Reef.



Senate Concurrent Resolution 96 by Senator McPherson (Passed the House), requests the Governor's Office of Coastal Activities and the office of coastal protection and restoration to support the establishment of a state seashore and the restoration of the habitat of Elmer's Island, Fourchon Beach, and Caminada Headland, as recompense for damages to natural resources caused by the Deepwater Horizon oil spill, and requests that such recompense be taken under consideration by the National Oceanic and Atmospheric Administration in developing the programmatic environment impact statement for the national resources damage assessment.

Senate Resolution 64 by Senator Chaisson (Filed with the secretary of state), requests the Gulf Coast Claims Facility to keep all of its claims offices open in Louisiana.

House Concurrent Resolution 151 by Representative Champagne (Filed with the secretary of state), designates Monday, June 6, 2011, as Coastal Day at the La. Legislature.

House Concurrent Resolution 146 by Representative Champagne (Senate Transportation, Highways, and Public Works), requests the Department of Transportation and Development and the Office of Coastal Protection and Restoration to study the feasibility of creating a regional levee district made up of the parishes of Vermillion, Iberia and St. Mary.

House Concurrent Resolution 163 by Representative Leger (Filed with the secretary of state), urges congress and the president to provide adequate funding for essential dredging activities on the Lower Mississippi River.

Commerce & Consumer Protection

by: *Carla Roberts*
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Senate Bill 152 by Senator Michot (Signed by the Speaker) limits advertisements by a physician holding himself out to the public, in any manner, as being board certified by a public or private board. Any advertisement by a physician that he is board certified by any board other than those approved by the legislation shall be cause for the Louisiana State Board of Medical Examiners to refuse to issue or suspend or revoke any license or permit, or impose probationary or other restrictions on the license of the physician.

House Bill 273 by Representative Hutter (Act 92) authorizes municipalities and parishes in areas where windblown debris storm shutters are required by the state uniform construction code to allow occupancy upon receipt of an affidavit from a property owner stating that the owner has ordered the shutters and will install the shutters upon receipt. The legislation requires that the shutters to be installed within 90 days of occupancy.

House Bill 418 by Representative Thierry (Act 105) provides that the La. State Plumbing Board shall have the authority to fine, up to \$5,000 any person, or employing entity, who performs plumbing work or engages in the business of plumbing unless they possessing a plumbing license.

House Bill 221 by Representative Arnold (Act 14) limits a solicitor from using

a lender's name, trade name, service mark, or trademark in a solicitation for the offering of services or products to a consumer without the authorization of the lender.

House Bill 195 by Representative Richardson (Signed by the Speaker) requires every licensed secondhand dealer to maintain a book or ledger setting forth each purchase of secondhand or used merchandise when the value of any single piece of merchandise is \$25 or more for each single transaction. The price at which a piece of merchandise is offered for sale by a secondhand dealer shall be considered prima facie evidence of the value of the piece of merchandise. Each ledger entry shall be entered at the time of each transaction and shall contain an accurate description in the English language of the merchandise or article received including serial numbers of the objects, if distinguishable, along with the amount paid therefor.



Constitutional Amendments

by: Tom Tyler
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2011 First Extraordinary Session

Besides reapportionment of legislative and congressional districts, a number of bills were passed in the First Extraordinary Session of 2011 to reconcile various constitutional and statutory references to population made necessary by the 2010 Federal census.



AD VALOREM TAX Tax Sales

Property being sold for nonpayment of taxes in the city of New Orleans which fails to receive the minimum required bid in the tax sale, can be offered for sale at a subsequent sale with no minimum required bid if voters approve **House Bill 30 by Representative Leger (Act 43)** at the statewide election on October 22, 2011. This maintains the existing exemption from the minimum bid requirements that applied to the city of New Orleans but which was described as a municipality with a population in excess of 450,000. Proceeds derived from the sale are to be applied to taxes, interest, and costs due on the property with any remaining deficiency being eliminated from the tax rolls.

2011 Regular Session

SPECIAL FUNDS

Budget Stabilization Fund

As to repayment of monies

appropriated from the Budget Stabilization Fund when the balance in the Fund is at its maximum of \$850 million during the fiscal year and monies in the fund are available for appropriation or use, then under the provisions of **Senate Bill 147 by Senator Chaisson (Pending Conference Committee)** no deposit shall be made into the Fund in the fiscal year that Fund money is appropriated or included in the Revenue

Estimating Conference's official forecast nor for the ensuing fiscal year.

Thereafter mineral revenues are deposited into the Fund until the Fund balance equals the maximum allowed in the Fund.

This proposition is to be on the October 22, 2011 election ballot.

Patient's Compensation Fund

House Bill 341 by Representative Hazel (Signed by the President) authorizes creation of the Patient's Compensation Fund as a private custodial fund in which deposits into the fund are not public monies, but are self-generated, private monies to be held in trust by a board created by the legislature.

Monies in the Fund are not to be defined under the constitution as state general funds or dedicated fund that are required to be

deposited in the state treasury. These monies are not subject to legislature appropriation but the Fund or its board may receive state general funds through a specific appropriation approved by the legislature.

Assets in this Fund are to consist of surcharges collected from health care provider members and filing fees collected from claimants, reserves to pay future claims, interest earnings on monies invested by the board, securities acquired through investment of Fund monies and all earnings on these securities, and all other monies and assets deposited into the Fund.

The Fund is exempt from participation in and shall not join or contribute financially to or be entitled to the protection of any plan, pool, association, or guaranty fund or insolvency fund, nor shall the full faith and credit of the state secure payment of any legal obligations.

This proposition is to be on the October 22, 2011 election ballot.

TOPS Fund in the Millennium Trust

Senate Bill 53 by Senator Alario (Pending Conference Committee) As regards the Millennium Trust, starting in Fiscal Year 2011-2012, once the Millennium Trust balance reaches \$1.38 Billion, then 100% of the tobacco Settlement Agreement proceeds received are to be credited to the TOPS Fund with the investment earnings on investment of the Millennium Trust being credited by the state treasurer as follows: one-third to the TOPS Fund; one-third to the Health Excellence Fund; and one-third to the Education Excellence Fund.

Further requires the state treasurer to deposit, transfer, or otherwise credit funds in an amount equal to the Settle Agreement proceeds deposited and credited to the Millennium Trust by the state between April 1, 2011 and the effective date of this proposed constitutional amendment to the TOPS Fund.

Appropriations from the TOPS Fund in FY 11-12 are limited to the annual Settlement Agreement proceeds, those proceeds received by the state between April 1, 2011 and the effective date of the amendment, and the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the Trust. In FY 12-13 and thereafter, appropriations from the TOPS Fund are limited to the annual Settlement Agreement proceeds and the estimated aggregate earnings from interest, dividends, and realized capital gains on investment of the Trust, adjusted for inflation, and which is recognized by the Revenue Estimating Conference.

This proposition is to be on the October 22, 2011 election ballot.

EXPENDITURE OF FUNDS

Projected Deficit

Senate Bill 113 by Senator Crowe (Failed House final passage) Authorizes adjustments to constitutionally protected or mandated allocations or appropriations and transfer of monies associated with the adjustments when there is a decrease in recurring federal financial participation in state assistance expenditures for nondiscretionary state general fund expenditures. These adjustments are limited to no more than five percent of the total appropriation or allocation from a fund for the

fiscal year.

Without this change, these adjustments are limited only when state general fund allocations or appropriations have been reduced in an aggregate amount equal to a minimum of 7/10ths of one percent of the total of these allocations and appropriations for a fiscal year.

The adjustment authorized under this proposal is not applicable to the Medicaid Trust Fund for the Elderly created pursuant to R.S. 46:2691 et seq.

This proposition is to be on the October 22, 2011 election ballot.

Nonrecurring Revenue

For FY 2013-2014 and FY 2014-2015, no less than five percent of money designed by the Revenue Estimating Conference as nonrecurring is to be appropriated, proportionately, to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana to be applied to the unfunded accrued liability of each as it existed on June 30, 1988 under **House Bill 384 by Representative Pearson (Passed the Senate)**.

Prohibits use of these monies to fund, directly or indirectly, any cost-of-living adjustments by the respective systems.

This amount increases to ten percent for FY 2015-2016 and thereafter.

This proposition is to be on the October 22, 2011 election ballot.

TAXATION

Limitation involving Immovable Property

The state, political subdivisions whose boundaries are coterminous with those of the state, and political subdivisions are prohibited from imposing a tax or fee on the sale or transfer of immovable property under **House Bill 135 by Representative Nowlin (Filed with the Secretary of State)**. This prohibition includes documentary transaction fees or taxes imposed after November 30, 2011.

Defines a "documentary transaction" as any transaction pursuant to any instrument, act, writing, or document which transfers or conveys immovable property.

Fees for the cost of recordation, filing, or maintenance of documents, or records effectuating the sale or transfer of immovable property, impact fees for development of property, annual parcel fees, and ad valorem taxes shall not be considered taxes or fees upon the sale or transfer of immovable property.

This proposition is to be on the November 19, 2011 election ballot.

Corrections

by: Tim Prather
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2011 Regular Session

Incarceration

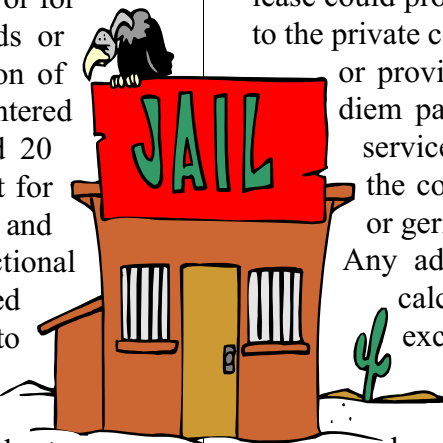
Attempting to conserve state revenues and at the same time maintain ownership of certain state correctional facilities, **Senate Bill 218 by Senator McPherson (Subject to Call-Senate Final Passage)**, and **Senate Bill 267 by Senator Mills (Subject to Call-Senate Final Passage)**, would amend current law which provides that the DPS&C and local governmental subdivisions are authorized to enter into contracts with prison contractors for the financing, acquiring, designing, leasing, constructing, and operating of prison facilities.

Contracts awarded under current law, including contracts for the provision of correctional or geriatric services or for the lease or use of public lands or buildings for use in the operation of state or local facilities, may be entered into for a period not to exceed 20 years, subject to the requirement for annual appropriation of funds and provided that contracts for correctional or geriatric services may be entered into for successive periods not to exceed five years, provided that contracts which involve expenditures for capital improvements may not exceed 10 years. These contracts are subject to annual appropriation of funds.

The bill would authorize the department to amend a current operating agreement or contract with a private correctional services contractor, awarded under the provisions of current law, to provide correctional or geriatric services and to include a lease of the state facility where those services are being provided. Any such lease would be pre-paid in an amount equal to the fair market value of the state facility to be leased, would be for a period not to exceed 20 years, and would not contain an option for the lessee to purchase the state facility.

Such pre-paid lease may provide that the term of the contract to provide correctional or geriatric services would be the same as the term of the pre-paid lease. Such pre-paid lease could provide for a per diem to be paid to the private correctional services contractor or provide for an increase in the per diem paid to the private correctional services contractor under the terms of the contract to provide correctional or geriatric services.

Any additional per diem would be calculated so that it would not exceed the pre-paid lease payment and the cost of capital associated with the pre-paid lease amount applied evenly over a period of time equal to the term of the pre-paid lease and the amended contract to provide correctional or geriatric services.



Inmates

In an effort to economize, **House Bill 110 by Representative Wooton (Sent to the Governor)**, would provide for a \$150 application fee for parolees and probationers requesting a transfer pursuant to the Interstate Compact for Adult Offender Supervision. The Interstate Compact for Adult Offender Supervision provides for the controlled movement of adult parolees and probationers across state lines. The bill would provide that any parolee or probationer who applies to transfer his residence from this state to another state would pay \$150 to DPS&C. The proceeds of the fee would be used to defray the cost of returning to Louisiana any parolees or probationers who violate the conditions of supervision.

Sex Offenders

With more economizing in mind, **House Bill 111 by Representative Wooton (Sent to the Governor)**, would increase the court-ordered probation supervision fees dedicated to the Sex Offender Registry Technology Fund. Currently, courts are authorized to order, as a condition of probation, the payment of a monthly fee of not less than \$5.50 to be dedicated to the Sex Offender Registry Technology Fund. The bill changes the amount of the fee from not less than \$5.50 to not more than \$11.

Probation/Parole

Following in the same trend, **House Bill 121 by Representative Wooton (Sent to the Governor)**, would provide for increased probation and parole supervision fees. Current law provides for a monthly supervision fee of not less than \$50 nor more than \$100 when the court places the defendant on supervised probation. The fee is payable to DPS&C or such other probation office,

agency, or officer as designated by the court, to defray the cost of supervision. The bill would increase the monthly fee to not less than \$60 nor more than \$100.

Furthermore, currently, as a condition of parole, the Board of Parole may establish fees payable to the Board of Parole to defray the cost of supervision in an amount determined by the board based upon the offender's ability to pay. The bill would establish the fee as a monthly fee of \$63 payable to DPS&C, and provides that the determination of the ability to pay is made by the Board of Parole.

Saving the state further revenue, **House Bill 122 by Representative Wooton (Sent to the Governor)**, would allow the division of probation and parole to charge the defendant a fee to defray the cost of presentence investigations. Currently, the court is authorized to order a presentence investigation on a defendant convicted of a felony offense or a misdemeanor offense that has been reduced from a felony. The bill would provide that when the court orders a presentence investigation of the defendant, the court would order that the defendant pay to the department an amount not to exceed \$150 to defray the cost of conducting the presentence investigation and preparing the presentence investigation report. The amount of the fee would be determined by the department based on the defendant's ability to pay.

With more economy and efficiency in mind, **House Bill 138 by Representative Patricia Smith (Sent to the Governor)**, would provide for parole consideration for those inmates who have served 10 years in prison, have reached the age of 60 years, and

have met certain conditions. The bill would provide that any person sentenced to the custody of DPS&C who has served at least 10 years of a term of imprisonment would be eligible for parole consideration upon reaching the age of 60 if all of the following conditions are met:

- * The offender has not been convicted of a crime of violence or a sex offense, or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.
- * The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- * The offender has completed the mandatory minimum of 100 hours of prerelease programming if such programming is available at the facility where the offender is incarcerated.
- * The offender has completed substance abuse treatment as applicable.
- * The offender has obtained a GED, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED due to a learning disability. If the offender is deemed incapable of obtaining a GED, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

- * The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.

Crimes/Criminal Procedure

by: *Michael Bell*
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CRIME/PUNISHMENT

Senate Bill 270 by Senator Willard-Lewis (Indefinitely postponed on House final passage) provides for legislation relative to penalties for gross littering, when the litter is disposed of from a motor vehicle, boat, or conveyance.

CRIME/SEX OFFENSES

House Bill 55 by Representative Thierry (Act 26) prohibits certain sex offenders from using or accessing social networking websites, chat rooms, and peer-to-peer networks.

CRIME/ABUSE

House Bill 401 by Representative Hutter (Sent to the Governor) increases penalties for domestic abuse battery.

CRIMINAL/ARRESTS

House Bill 272 by Representative Bishop (Signed by the Speaker) provides for the issuance of a written summons in lieu of arrest for certain crimes.

DWI

Senate Bill 190 by Senator Erdey (Involuntarily deferred in House Administration of Criminal Justice) would have created the crime of first degree vehicular homicide and provided for penalties upon conviction.

JUVENILE JUSTICE

Senate Bill 272 by Senator Morrell (Sent to the Governor) provides for the court to use a prior adjudication order of delinquency, whether felony or misdemeanor to be used as a predicate offense for enhancement purposes in future juvenile delinquency proceedings.



Culture, Recreation & Tourism

CULTURE

by: Nancy Vicknair
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2011 1st Extraordinary Session

CULTURAL COMMENDATIONS

House Concurrent Resolution 2 by Representative Pugh (Filed with the Secretary of State) recognized Monday, April 4, 2011, as Ponchatoula Strawberry Festival Day.

Senate Resolution 3 by Senator Morrish (Filed with the Secretary of State) commended Taylor Granger for being named one of the top youth volunteers in Louisiana for 2011, in the 16th Annual Prudential Spirit of Community Awards.

Senate Resolution 9 by Senator Martiny (Filed with the Secretary of State) commended Pan-American Life Insurance Company upon its centennial celebration.

2011 Regular Session

CULTURAL DEVELOPMENT

Senate Bill 217 by Senator Long (Pending in the Legislative Bureau) transfers the overall jurisdiction of the museum from the office of state museums in the Department of Culture, Recreation, and Tourism to the secretary of state.

House Bill 424 by Representative Montoucet (Passed the Senate) provides for the implementation of the Louisiana French Language Services Program by the Department of Culture, Recreation and Tourism, which identifies French-speaking employees in state departments who will provide services in French or assist other employees in providing services to French-speaking persons.

House Bill 517 by Representative Lebas (Pending Senate Floor Action) provides for the per diem and expenses of members of CODOFIL and authorizes French-speaking elected officials to serve as nonvoting members.

CULTURAL COMMENDATIONS

House Concurrent Resolution 8 by Representative Pugh (Filed with the Secretary of State) recognizes Louisiana Irish Week in March in celebration of the state's rich Irish heritage.

House Concurrent Resolution 134 by Representative Lebas (Filed with the Secretary of State) commends Mamou, Louisiana upon the celebration of its 100th anniversary.

House Resolution 34 by Representative Harrison (Filed with the Secretary of State) recognizes May 10, 2011, as Seafood Day in Louisiana.

Senate Concurrent Resolution 16 by Senator Walsworth (Subject to call - Senate Floor) urges the Legislature to erect a Ten Commandments monument on the grounds of the Louisiana State Capitol.

Senate Concurrent Resolution 51 by Senator Lafleur (Filed with the Secretary of State) commends Evangeline Parish on its 100th anniversary and recognizes the cultural and historical occasion.

Senate Resolution 36 by Senator Willard-Lewis (Filed with the Secretary of State) commends the debut performance of OperaCreole, the premier operatic ensemble.

Senate Resolution 70 by Senator LaFleur (Filed with the Secretary of State) commends the Tunica-Biloxi Tribe of Louisiana for its many contributions made to the state with its history, culture, and people, and proclaims June 6, 2011, as Tunica-Biloxi Day at the Senate.

Senate Resolution 133 by Senator Shaw (Passed the Senate) commends Annalise Lee Gunn of C.E. Byrd High School upon her selection as a representative of Louisiana at the Hugh O'Brian World Leadership Congress in Los Angeles, California.

Senate Resolution 133 by Senator Shaw (Passed the Senate) commends Victoria Catherine Ward of Captain Shreve High School upon her selection as a representative of Louisiana at the Hugh O'Brian World Leadership Congress in Los Angeles, California.

RECREATION

*by: Tammy Crain Waldrop
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Senate Bill 30 by Senator Walsworth (Sent to the Governor) This provides for donations of tax refunds to the Louisiana Bicentennial Commission through a check-off box on state income tax returns.

Senate Bill 187 by Senator Long (Act 56) This will extends Cane River Heritage tax credit to January 1, 2014.

Senate Bill 217 by Senator Long (Pending Senate Concurrence) This will transfer the Political Museum and Hall of Fame from the Department of Culture, Recreation and Tourism to the secretary of state.

House Bill 75 by Representative Gisclair (Act 65) It will provide relative to the taking of mullet for bait purposes.

House Bill 125 by Representative Foil (Failed House Final Passage) This would dedicate a portion of state revenues from gaming activities conducted on riverboats in East Baton Rouge Parish to specific entities.

House Bill 322 by Representative Richardson (pending Senate LMA) Provides relative to membership of the Recreation and Park Commission for the Parish of East Baton Rouge.

House Bill 348 by Representative Leger (Sent to the Governor) This is a residential tax credit. It increases the amount of the tax credit for the rehabilitation of certain residential structures and extends the taxable periods in which the tax credit applies.

House Bill 349 by Representative Leger (Senate Final Passage) This is a commercial tax credit. It extends applicability of the tax credit for the rehabilitation of certain historic structures.



TOURISM

by: Linda Nugent
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LITTER ACT

Driver education courses, training programs, and prelicensing training courses for children and adults will include teaching the economic effects of littering. The act will be known as "Louisiana Increases Tourism Through Environmental Responsibility Act of 2011", or "LITTER Act of 2011". The state BESE board and Department of Education will be charged with developing the economic effects of littering portion of the driver education and training program in conjunction with Keep Louisiana Beautiful, Inc. **Senate Bill 222 by Senator Mills (Sent to the Governor)** also requires that this portion of the driver education course will be adopted by rule which shall be submitted for oversight review by the House and Senate transportation committees.

POLITICAL HALL OF FAME

Under **Senate Bill 217 by Senator Long (pending Senate concurrence)**, the Louisiana Political Museum and Hall of Fame will be transferred from the Department of Culture, Recreation and Tourism to the Department of State.

JEFFERSON DAVIS PARISH FLYWAY BYWAY DISTRICT

Created in 2010 for the purpose of stimulating economic development and tourism, the Jefferson Davis Parish Flyway Byway District is a political subdivision comprised basically of the southern half of Jefferson Davis Parish. **House Bill 336 by Representative Guinn (Sent to the Governor)** extends the boundaries of the district south into Cameron Parish, including the Lacassine National Wildlife Refuge.

LOUISIANA FRENCH LANGUAGE SERVICES PROGRAM

The office of Culture, Recreation and Tourism, with the assistance of the Council for the Development of French in Louisiana, will develop and provide for implementation of a program to help provide services for French-speaking residents. Among the purposes outlined in **House Bill 424 by Representative Montoucet (Act 106)**, the program could assist French-speaking visitors to the state and thus promote tourism in the state. An additional purpose would be to support French investment in the state from Francophone countries.

NATIONAL HERITAGE AREA

House Concurrent Resolution 81 by Representative Morris (Filed with the Secretary of State) memorializes the United States Congress to take such actions as are necessary to begin the process to designate Caddo Lake as a National Heritage Area. A feasibility study found that Caddo Lake, at 27,000 surface acres, is the largest natural lake in the southern United States and was home to the Caddo Native Americans at the time the Europeans and Americans discovered the area. Being

designated a National Heritage Area benefits the local area through development and public recognition of the community's pride; the National Park Service provides technical, planning and possibly limited financial assistance, which may ultimately increase tourism.

TOURISM DISTRICTS

As usual, bills were considered that affect tourism districts and tax collections generated within the districts.

- One-third of the proceeds of the three percent hotel tax levied by the Vermilion Parish Tourist Commission would be dedicated for the promotion and marketing of tourism within the parish pursuant to **Senate Bill 106 by Senator Perry (pending Senate final passage)**.
- **House Bill 315 by Representative Roy (Sent to the Governor)** authorizes the use of revenues derived from hotel/motel occupancy taxes levied by the Alexandria/Pineville Area Convention and Visitors Bureau for the additional purpose of constructing, acquiring, improving, operating, and maintaining capital facilities and improvements, including a visitors center.

Economic Development

*by: Alan Miller
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Senate Bill 72 by Senator Michot (Sent to the Governor) seeks to extend the deadline for an eligible employer to submit an application to receive tax credits and rebates relative to the Louisiana Quality Jobs Program from January 1, 2012, to January 1, 2018.





K-12 Education

by: Jeanne Johnston
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ACCOUNTABILITY

In addition to the School Performance Scores formulated for schools each Fall, every school has also received a performance label, from zero to 5 stars, to indicate the school's overall performance. Legislation passed during the 2010 Regular Session required the State Board of Elementary and Secondary Education to replace the star-based performance label with a letter-grade system which the board felt would be more indicative of school performance and would be more easily understood by parents and the public. The first letter-grade performance labels are to be released along with the School Performance Scores in Fall 2011. **Senate Bill 35 by Senator Dorsey (Senate Education Committee) and Senate Bill 201 by Senator Perry (Senate Education Committee)** would have delayed implementation of the letter-grade performance labeling system approved by the State Board of Elementary and Secondary Education for three years. This legislation was introduced due to concerns raised by various education groups and school systems that an inordinate amount of schools that were not failing under the school and accountability system would receive a "D" or "F" grade.

CHARTER SCHOOLS

Louisiana's original charter school, as enacted in 1995, provided for up to 8 districts to participate and establish a charter school demonstration site. Before 2005, the state had only 5 charter schools. Since Hurricane

Katrina, the charter school law has been amended several times to encourage the establishment of charter schools and to remove the cap on the number of charter schools that may be created. As a result, the number of charter schools in the state has grown exponentially. There were 90 charter schools in operation during the 2010-2011 school year, which enrolled approximately 37,000 students. Eleven more charter schools have been authorized to begin operations for the 2011-12 school year.

Senate Bill 43 by Senator Donahue (Sent to the Governor) grants chartering authorities, be it BESE or a local school board, more flexibility in establishing the operational date for charter school. Allows the chartering board to extend the time period within which a charter school must begin operations after receiving approval beyond the statutorily prescribed 36 months. This legislation also allows the chartering board to allow a charter school to open sooner than eight months after receipt of approval, which is the current minimum start date after receipt of approval.

Currently, there are no charter schools in Louisiana that have a residential component and the law is silent on this issue. **House Bill 360 by Representative Stiaes and Senator Dorsey (Sent to the Governor)** provides that nothing in the charter school law shall prohibit a charter school from having a residential component.

House Bill 421 by Representative Carter (Sent to the Governor) provides that a charter school agreement may provide an enrollment preference for dependent children of permanent employees of a corporate partner and may also provide for such corporate partner to have representation on the charter school's governing or management board. A private corporation that donates land or a building to the school or which makes major renovations or other capital improvements to the school building may be granted an enrollment preference for up to a maximum of 50% of the school's maximum enrollment.

DEPARTMENT OF EDUCATION

Senate Bill 80 by Senator Nevers (Signed by the Speaker) provides for the reorganization of the state Department of Education. The department will now be composed of the executive office of the superintendent, the office of management and finance, the office of literacy, the office of science, technology, engineering, and mathematics, the office of college and career readiness, the office of departmental support, the office of innovation, and special school district number one. Each office, other than the executive office and the special school district, will be headed by an assistant deputy superintendent. The special school district will be headed by a state director. The state superintendent of education, the deputy superintendent of education, the assistant deputy superintendents, and the state director of the special school district are subject to Senate confirmation.

The High School Redesign Commission was created in 2005 to make recommendations for policies to assist high school students to prepare for postsecondary education and training and careers. **House Bill**

79 by Representative Ritchie (Sent to the Governor) renames the High School Redesign Commission as the College and Career Readiness Commission to better reflect the scope and direction of the commission. This legislation also reduces the number of members on the commission to streamline operations, while maintaining the same organizational representation.

FOREIGN LANGUAGE INSTRUCTION

Senate Bill 104 by Senator LaFleur (Sent to the Governor) requires the State Board of Elementary and Secondary Education to develop a process to certify foreign language immersion education programs who meet specified criteria. Notice of a programs designation as a Certified Foreign Language Immersion Program is to be included on the school's annual report card and in the academic records of students enrolled in the program.

MINIMUM FOUNDATION FORMULA

House Concurrent Resolution 130 by Representative A. Badon and Senator Thompson (Signed by the President) provides for legislative approval of the formula adopted for by the State Board of Elementary and Secondary Education on February 17, 2011 to determine the cost of a minimum foundation program of education in all public elementary and secondary schools, including the Recovery School District, two university laboratory schools, Office of Juvenile Justice Schools, the Louisiana School for Math, Science, and the Arts, the New Orleans Center for Creative Arts, and legacy Type 2 charter schools.

The 2011-12 MFP, for the third consecutive year, does not provide for the customary 2.75% increase in the base per

pupil amount to help offset inflation and other cost increases.

The cost of the MFP for the 2011-2012 fiscal year is \$3.3387 billion, an increase of \$67.8 million over the 2010-2011 formula. \$27 million of this amount is the result of an increased number of students and local revenue adjustments to districts; wealth. \$40.8 million of the increase is attributable to legacy Type 2 charter schools, funding for full time students enrolled in the New Orleans Center for Creative Arts and the Louisiana School for Math, Science, and the Arts.

The formula also:

1. Retains the same base per pupil amount of \$3,855 used in FY 2008-2009, FY 2009-2010, and FY 2010-2011.
2. Retains the same weights for at-risk, special education (including gifted and talented), and career education students used in FY 2008-2009, FY 2009-2010, and FY 2010-2011.
3. Retains the \$100 per pupil allocation for mandated costs involving health insurance, retirement, and fuel used in FY 2008-2009, FY 2009-2010, and FY 2010-2011.
4. Continues the phase-out of "hold-harmless" funding over 10 years, which began in FY 2007-2008, for specified school systems.
5. Continues suspension of the requirement that certain school systems and schools use 50% of "new" funds derived when the 2.75% growth

factor is provided for in the formula for pay increases and related retirement costs for certificated employees.

6. Retains requirement that 70% of local school system general fund expenditures be in the areas of instruction and school administration at the school building level. Provides for consequences for a school system that fails to meet this requirement and permits a waiver for noncompliance if the school system has a District Performance Score (DPS) at or above the state average.
7. Provides for October and February mid-year adjustments based on increases and decreases in student enrollment.
9. Directs the state Department of Education to establish a pilot program for student-based budgeting.

RECOVERY SCHOOL DISTRICT

Senate Bill 216 by Senator Morrell (Sent to the Governor) requires the superintendent of the Recovery School District to develop a community outreach plan to engage parents and community leaders in the operation of schools in the RSD and to solicit input on proposed changes in school governance regarding the establishment of new school sites.

Senate Bill 248 by Senator Willard-Lewis (Senate Education Committee) would have required the State Board of Elementary and Secondary Education to seek agreement with the transferring school system for the return of schools transferred to the

Recovery School District that are no longer deemed as academically unacceptable pursuant to the state's school and district accountability system.

SCHOOL EMPLOYEES

House Bill 101 by Representative Hardy (Failed House Passage) would have provided that school bus drivers employed after July 1, 2011 would not be eligible to earn tenure.

Currently, local school boards are required to grant extended medical leave or a medical sabbatical for teachers and other school employees at any time the employee has no remaining regular sick leave balance and the need for such leave is certified by a physician. **House Bill 454 by Representative Harrison (Conference Committee received by the Senate)** provides that for the next two fiscal years, school boards do not have to comply with statutory requirements to grant extended medical leave or sabbatical leave to otherwise eligible teachers, bus drivers, and school support personnel, except in cases of catastrophic illness or injury. This legislation, however, does require school boards with specified fund balances to grant such leave.

SPECIAL EDUCATION

Senate Bill 59 by Senator Donahue (Signed by the Speaker) provides a framework to govern when and how physical restraint and seclusion can be used to address the behavior of students with disabilities. School governing authorities are required to adopt written guidelines regarding reporting procedures and parental notification requirements and to report all incidents where seclusion or physical restraint or seclusion is used to address student behavior to the state Department of Education. The Department of

Education is required to maintain a database of all such reported incidents.

STATE SUPERINTENDENT OF EDUCATION

Senate Concurrent Resolution 87 by Senator Murray (Signed by the Speaker) requests the State Board of Elementary and Secondary Education to establish a public process by which to select a state superintendent of education and to utilize a committee composed of representatives of the general public, community organizations, and other education stakeholders to assist in the search and review process for potential candidates for the position of state superintendent of education.

STUDENTS

The academic eligibility requirements for students to participate in school sponsored athletic competition has been a topic of discussion for a number of years. Although the Louisiana High School Athletic Association adopts rules that govern this, these academic eligibility requirements have been rising in recent years. Prior law required BESE to adopt a policy to require that all high schools adhere, at a minimum, to the academic eligibility rule established by LHSAA in 1984. **House Bill 31 by Representative Hardy (Act 60)** requires BESE to adopt a policy which, at a minimum, requires that the scholastic rule adopted by LHSAA in January 2010 be adhered to by all high schools and serve as the minimum standard upon which each school builds higher academic standards. The 2010 LHSAA regulations include an academic requirement that students must have a "C" average in order to be eligible to participate in interscholastic athletics.

House Bill 364 by Representative Roy (Sent to the Governor) creates a comprehensive sports injury management program for student athletics in an effort to recognize when a student athlete has sustained a serious sports injury and to ensure that such students are removed from participation in athletics until proper treatment is received and the student is cleared by a licensed health professional to return to competition.

TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Currently, in carrying out its constitutional and statutory mandate to prescribe, adopt and exercise control over the distribution and use of the textbooks and other materials of instruction for use in the public schools, the State Board of Elementary and Secondary Education adopts lists of approved textbooks and other instructional materials. Schools and school districts are allowed to purchase any textbooks and materials they desire with local funds, but are required to purchase textbooks and materials on the adopted lists if state funds are used. **House Bill 580 by Representative Hoffmann (Senate Calendar-Subject to Call)** revamps the way textbooks will be selected and used in the state's public schools. This legislation instead requires BESE to prescribe through rules and regulations the recommendation, distribution, and use of textbooks and other instructional materials by the governing authority of each public elementary and secondary school. Schools and school districts will no longer required to purchase books and materials from state adopted lists, but BESE is required to ensure that textbooks and instructional materials adhere to the curriculum standards adopted by the board, which are also known as grade-level expectations or GLEs. There will be no

restrictions on how state funds are used in the purchase of textbooks and instructional materials.

Postsecondary Education

by: *Jeanne Johnston*
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COLLEGE READINESS

In order to meet the state's workforce needs, our educational system has been called upon to increase the quantity and quality of our high school graduates. Statistics show that most jobs will now require more than a high school diploma. Therefore, every high school graduate must be prepared to undertake at least some level of postsecondary education in order to be able to participate in the workforce at the highest level possible. However, most of the state's colleges and universities are still providing a significant number of remedial courses to students who are not sufficiently prepared for college level work. **House Bill 419 by Representative Patricia Smith (Sent to the Governor)** creates the Remedial Education Commission to study and review the data regarding how well the K-12 public educational system prepares students for postsecondary education and the levels of remedial education currently provided at the postsecondary educational level. The commission is charged to make recommendations regarding what statutory, regulatory, and policy changes are needed to better prepare high school students to succeed in postsecondary education pursuits and to transition from high school to postsecondary education institutions.

COLLEGES/UNIVERSITIES

In 2010, the legislature passed the LA GRAD Act which authorizes public colleges and universities, including professional schools, to enter into performance agreements with the Board of Regents in order to be

granted limited tuition authority and specified operational autonomy and flexibility in exchange for meeting established performance targets. **House Bill 549 by Representative Tucker (Pending Conference Committee) and Senate Bill 241 by Senator Chaisson (Senate Education Committee)** revises the LA GRAD Act. This legislation does not grant the postsecondary education management boards any additional tuition authority, but does replace the operational autonomies specified in the original legislation with three-tiers of autonomies - base level, intermediate level, and high level - for which an institution must qualify for on an annual basis as determined by the Board of Regents and the Division of Administration.

1. Base level. Institutions that meet the short-term targets in the performance agreement and are determined by the division of administration to possess the operational capacity relevant to that autonomy may be granted the following:
 - a. Authority to retain any unexpended and unobligated funds which remain at the end of the fiscal year for use at the institution's discretion, which autonomy is subject to the review and approval of the Joint Legislative Committee

on the Budget.

- b. Authority to execute contracts up to \$49,999 within a 12-month period in accordance with the delegation of authority by the office of contractual review pursuant.
 - c. Authority to identify and dispose of obsolete equipment, excluding certain vehicles and items, up to an original acquisition value of \$5,000.
 - d. Authority to be excluded from the oversight or review by the office of information technology, for purchases with an academic research or classroom instructional purpose.
 - f. Authority to exclude from the institution's authorized table of organization any position that is fully funded by non-appropriated funds..
2. Intermediate level. In addition to the base level autonomies, institutions that meet the short-term targets in the performance agreement, are determined by the division of administration to possess the capacity relevant to that autonomy, and meet requirements for significantly streamlining academic service delivery to students to meet regional workforce needs, may be granted the following autonomies, subject to the prior review and approval of the Joint Legislative Committee on the Budget:
- a. Authority to procure materials, supplies, equipment, and services through purchasing agreements established by a not-for-profit cooperative buying organization if such purchasing agreements have been established pursuant to a competitive bid proposal process.
 - b. Authority to directly administer minor facility capital outlay projects without oversight or control by the office of facility planning and control. Defines minor facilities projects as those that do not require the use of and coordination between more than two trades or that do not require the use of the professional services of an architect or engineer pursuant to present law.
 - c. Authority to join an existing cooperative purchasing agreement in accordance with present and proposed law. Requires institutions to publish notice of intent prior to entering any such purchasing agreement in the appropriate official journals and on the institution's website and provides requirements for proposals submitted by interested vendors.
 - d. Authority to use reverse auctions. Defines reverse auction as a competitive online

solicitation process on the Internet for products, supplies, services, and other materials in which vendors compete against each other in real time in an open and interactive environment.

- e. Authority for the director of purchasing at a college or university to make a determination to use a competitive request for proposal process as provided in present law without the approval of the commissioner of administration or the director of state purchasing.
3. High level. In addition to the base and intermediate level autonomies, institutions that meet the short-term targets in the performance agreement, are determined by the division of administration to possess the capacity relevant to that autonomy, and have a six-year Integrated Postsecondary Education Data System graduation rate within five percentage points of the average graduation rate for its classification according to the Southern Regional Education Board, may be granted the following autonomies subject to the prior review and approval of the Joint Legislative Committee on the Budget:
- a. Authority to participate in a pilot procurement code as established by the initial qualifying institution, and approved by the division of administration and the Joint

Legislative Committee on the Budget to be used in lieu of the La. Procurement Code.

- b. Exemption from participation in the state's risk management program pursuant to a phased-in plan of implementation in collaboration with the attorney general and the division of administration, which autonomy is subject to the review and approval of the Joint Legislative Committee on the Budget.
- c. Authority to administer all facilities projects funded with self-generated revenue, federal funds, donations, grants, or revenue bonds, including all projects under present law.
- d. Authority to invest funds in certain tax exempt bonds and other taxable governmental bonds issued by any state or a political subdivision or public corporation of any state.

GOVERNANCE AND STRUCTURE

The postsecondary education governance structure has been under increased scrutiny in recent years, which intensified with the creation of the Postsecondary Education Review Commission in 2009 and continues. There has also been great interest in determining the ideal organizational structure through which to provide higher education to Louisiana's citizens. The Louisiana Constitution requires the Board of Regents to report their findings and recommendations be

made to the legislature prior to consideration of legislation to create a new postsecondary institution, the addition of another management board, or the transfer of an institution from one management board to another. Consequently, the number of requests to the Board of Regents to study the need for expanded community college services is increasing, as well as for proposals relative to how to optimize the delivery of postsecondary education. It is likely that these study requests will result in legislation during the 2012 Regular Session to create new institutions and as well as to make other structural changes to the governance and delivery of postsecondary education in the state.

Senate Resolution 123 of the 2010 R.S., authored by Senators Appel and Duplessis, requested the Board of Regents to study and make recommendations relative to the postsecondary education delivery system in the New Orleans region. The report approved by the Board of Regents called for, in part, the transfer of Southern University at New Orleans and the University of New Orleans from their respective management boards to the University of Louisiana system and incorporated into an integrated postsecondary education delivery system, along with Delgado Community College. Legislation was introduced to transfer both institutions to the UL System to subsequently be consolidated into a new institution. This legislation failed to gain sufficient support and the authors decided to redefine their approach. **Senate Bill 266 by Senator Appel (Signed by the Speaker) and House Bill 537 by Representative Tucker (Signed by the Speaker)** transfers the University of New Orleans from the LSU System to the University of Louisiana System, subject to approval by the Southern Association of

Colleges and Schools, Commission on Colleges (SACS). Until the transfer is approved by SACS, the LSU Board of Supervisors is to continue to manage the institution while working actively with the University of New Orleans and the UL System in order that the transfer can be effected immediately upon receipt of SACS approval. The LSU Board of Supervisors is prohibited from removing or transferring any of UNO's assets prior to the transfer and can make no personnel decisions without approval from the UL Board of Supervisors. The commissioner of administration is required to ensure that sufficient funds and resources are available to fully effect the transfer and the legislature is required to appropriate sufficient funds therefor.

Senate Bill 69 by Senator Nevers (Sent to the Governor) creates the Northshore Technical Community College which shall provide programs and courses of study leading to the granting of certificates, diplomas, associate degrees, and associate transfer degrees through the existing Florida Parishes Campus, the Hammond Area Campus, and the Sullivan Campus of the Louisiana Technical College. This legislation was developed and introduced in accordance with the Board of Regents' study and recommendations produced pursuant to SCR 60 of the 2010 Regular Session.

Senate Concurrent Resolution 61 by Senator Thompson (Filed with the Secretary of State) requests the Board of Regents to work with the Board of Supervisors of Community and Technical Colleges to study the two-year college services offered to the greater northeast Louisiana area and determine how the state can best meet the educational needs of the

students and the state's economic and workforce needs in that region. The Board of Regents is to report findings and recommendations to the legislature prior to the 2012 Regular Session.

House Concurrent Resolution 182 by Representative Nowlin and Senator Long (Filed with the Secretary of State) requests the Board of Regents to work with the Board of Supervisors of the Louisiana Community and Technical College System, the Board of Supervisors for the University of Louisiana System, and Northwestern State University to study the feasibility of offering community college services to the Greater Natchitoches Region. The resolution provides that the study shall include to potential use of the physical resources and facilities of Northwestern State University and the role the university would play in the planning and operation of the proposed community college if deemed appropriate.

House Concurrent Resolution 184 by Representative Carmody (pending Conference Committee) requests the Board of Regents to create a commission to study the governance, management, and supervision of public postsecondary education and submit a plan to the legislature for the reorganization of the existing governance, management, and supervision of postsecondary education in the state prior to the 2012 Regular Session.

TOPS

House Concurrent Resolution 56 by Representative Harrison (Filed with the Secretary of State) requests the Louisiana Office of Student Financial Assistance (LOSFA) to study the feasibility of requiring a student repay his TOPS award for any semester during his first two award years for

failure to make academic progress or maintain full-time status. LOSFA is also to determine any potential cost and savings of imposing such requirement.

TUITION

Tuition rates at Louisiana's community colleges are lower than their regional and national counterparts and vary widely across the state. Students taking the same courses, using the same textbook, will pay a different tuition amount, depending solely on geographic location. The tuition rates at the state's technical colleges have historically been low, especially considering there is no differentiation between courses of instruction and the cost of delivering such instruction. All this at a time when enrollment in the state's community and technical colleges is growing at a tremendous rate. The demand for community and technical college services will continue to increase as the state's four-year colleges implement higher admission standards in accordance with the LA GRAD Act of 2010. **House Bill 526 by Representative Robideaux (Sent to the Governor)** authorizes the Board of Supervisors for Community and Technical Colleges to increase and equalize community and technical college tuition rates. The legislation caps the allowed increase so that the maximum tuition charged cannot exceed the highest tuition paid for full-time status as provided by law. Tuition at community colleges will go up by an average of \$9.28 per student credit hour. Tuition at technical colleges will rise by \$10.33 per credit hour, but will be phased in over a three-year period.

House Concurrent Resolution 110 by Representative Schroder and Senator Nevers (Filed with the Secretary of State) requests the Board of Regents to study the

disparity in the amount of tuition charged at public four-year colleges and universities as compared to their peer institutions in the Southern Regional Education Board region and to develop a proposal for amending the LA GRAD Act to mitigate any disparities.

Vocational/Technical Education

by: Nancy Vicknair
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2011 1st Extraordinary Session

Senate Concurrent Resolution 10 by Senator McPherson (Filed with the Secretary of State) requested the Louisiana Community and Technical College System to register all students who complete the certified nurse aide portion of the Patient Care Technician curriculum on the certified nurse aide registry and to report certain information to the Senate and House committees on health and welfare.

2011 Regular Session

COMMUNITY/TECHNICAL COLLEGES

House Bill 526 by Representative Robideaux (Sent to the Governor) authorizes, with certain limitations, the Board of Supervisors of LCTCS to increase resident tuition and mandatory fee amounts at institutions under its supervision and management. The board's authority relative to increases for students at community colleges and at technical-community colleges differs from the board's authority relative to increases for students at the La. Technical College. The increase in amounts at community colleges and at technical-community colleges are effective beginning with the fall semester of the 2011-2012 academic year; the increase in amounts at the La. Technical College is to be implemented in equal amounts over the next three academic years. Provides for waivers of an increase or increases in cases of financial hardship. Permits the board, with certain limitations, to provide for the uniform

imposition of tuition and mandatory fee amounts for students on a per-credit-hour basis.

Senate Bill 69 by Senator Nevers (Sent to the Governor) creates the Northshore Technical Community College.

Senate Bill 128 by Senator Dorsey (Assigned to Senate Education) constitutional amendment to provide exclusive authority to the Board of Supervisors of LCTCS over programs of public postsecondary vocational-technical training and institutions of higher education offering associate degrees but not baccalaureate degrees.

Senate Bill 165 by Senator Walsworth (Signed by the Speaker) provides for the availability and use of electronic textbooks and other instructional material in LCTCS institutions.

Requires the Board of Supervisors of LCTCS (the board), beginning in the Fall 2011 semester and thereafter, to increase the availability and accessibility of electronic textbooks and other instructional materials in community and technical colleges when inviting publishers to participate in the textbook selection process and encourage all publishers to provide electronic versions of the products they offer in addition to the printed version.

Also requires the board to adopt rules and regulations necessary for the sale and distribution of electronic textbook content, or fractions of electronic textbook content, instructional material and assessments.

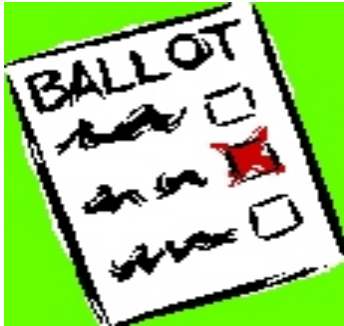
Authorizes the board to charge a student opting to purchase electronic textbooks and other instructional materials an amount not greater than the actual cost, and provides that the board may not charge the student for any administrative, handling or other costs associated with providing electronic textbooks and other instructional materials.

Senate Concurrent Resolution 61 by Senator Thompson (Filed with the Secretary of the Senate) requests the Board of Regents to conduct a study of two-year college services offered in the greater northeast Louisiana area, and to determine how the state can best meet the educational needs of students and the economic and workforce development needs of this region of the state.

Senate Concurrent Resolution 73 by Senator Gautreaux (Passed the House) requests the Board of Regents study the two-year college services offered to the greater south central Louisiana area, and to determine how the state can best meet the educational needs of students and the economic and workforce development needs of this region of the state.

Senate Resolution 98 by Senator Michot (assigned to Senate Health and Welfare) requests the Board of Regents and the LCTCS Board of Supervisors to study the feasibility of merging Acadiana Technical College and South Louisiana Community

College in order to more adequately address the educational needs of students and the economic and workforce development needs of the greater Lafayette area.



The First Extraordinary Session of 2011, devoted entirely to redistricting, saw the passage of plans for the House of Representatives and Senate, the Public Service Commission, and the Louisiana congressional districts. A plan for the state Board of Elementary and Secondary Education would have to wait until the 2011 Regular Session, which also saw several key pieces of legislation relative to election laws.

2011 1st EXTRAORDINARY SESSION

House Bill 1 by Representative Tucker (Act 1) provides for the redistricting of the Louisiana House of Representatives.

House Bill 6 by Representative Ponti (Act 2) provides for the redistricting of Louisiana's congressional districts, which due to the results from the 2010 census, reduced Louisiana's seats in Congress from seven to six.

House Bill 38 by Representatives Gallot (Act 23) provides for the redistricting of the Public Service Commission.

Senate Bill 1 by Senator Chaisson (Act 24) provides for the redistricting of the Louisiana Senate.

Several bills would have provided for redistricting the state Board of Elementary and Secondary Education, including **House Bill 2**

Elections

*by: Alden Clement
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by Representative Tucker (House rejected Conference Committee Report) and House Bill 34 by Representative Gallot (pending in House and Governmental Affairs Committee), but a plan would not be adopted until the regular session.

2011 REGULAR SESSION

House Bill 519 by Representative Danahay (Act 2) provides for the redistricting of the state Board of Elementary and Secondary Education.

Senate Bill 47 by Senator Peterson (pending in Senate and Governmental Affairs Committee) provides that a "vacancy" occurs in the office of a judge when the judge is elected to another elective office, even though the judgeship held at the time of his election to the other office will not be vacated until the term of office of the other elective office begins, which would allow the supreme court to declare to the governor that such vacancy exists.

Senate Bill 108 by Senator Riser (pending in House and Governmental Affairs Committee) provides that every bond or tax election must be held on the same date as a regularly scheduled primary or general election for statewide or congressional office, and further provides that a taxing authority is limited to holding one emergency bond or tax election per calendar year.

Senate Bill 126 by Senator McPherson (pending in Senate and Governmental Affairs Committee) and House Bill 388 by Representative Monica (subject to call-House final passage) would make Louisiana a party to an interstate compact entitled the "Agreement Among the States to Elect the President by National Popular Vote."

House Bill 509 by Representative Hutter (Signed by the Speaker) would change the date of the presidential preference primary and elections held at the same time as presidential primary elections from the second or third Saturday in February to the first Saturday after the first Tuesday in March, and would change the corresponding dates for general elections from four weeks after the second or third Saturday in February to four weeks after the first Saturday after the first Tuesday in March.

House Bill 524 by Representative J. H. Smith (Sent to the Governor) provides that absentee voting materials for candidates in congressional elections, presidential preference primary elections, and presidential elections may be electronically transmitted, and further requires the registrar to mail or electronically transmit materials for candidates in a federal election forty-five days prior to the election for voters who have requested such transmission.

House Bill 561 by Representative Seabaugh (pending in House and Governmental Affairs Committee) provides that each presidential and vice-presidential candidate is to file an affidavit stating his citizenship, age, and residence, and further provides that each such affidavit must have attached documents that prove that the

candidate meets the requirements for president of the United States as prescribed in Article II, Section 1, of the United States Constitution, including an original or certified copy of the candidate's birth certificate and a sworn statement that identifies the candidate's places of residence for the preceding 14 years.

House Bill 575 by Representative Fannin (pending Senate final passage) requires vacancies in legislative offices to be filled at elections held on regularly scheduled election dates provided for in present law. However, when a legislative vacancy occurs and six months or more remain in the term, in the discretion of the appropriate presiding officer, a person may be elected and serve during a legislative session that occurs prior to the next regularly scheduled election date.

Environment

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WATER

The Senate Committee on Environmental Quality was active, and will continue to be during the 2011-12 interim, on various water issues which concern diverse constituencies across the state. The following legislative instruments were introduced in the 2011 Regular Session relative to water issues:

Senate Bill 97 by Senator Crowe (Senate Calendar) was introduced in response to concerns on the effects of dispersants used to clean up the oil that was leaked from the BP Deepwater Horizon oil rig explosion. Senate Bill 97 would have required that if dispersants were used in Louisiana waters that they meet certain requirements prior to the authorization to use.

Senate Bill 48 by Senator Long (Sent to the Governor) re-creates the Ground Water Management Advisory Task Force to assist the commissioner of conservation and the Ground Water Resource Commission in continuing to develop a statewide ground water resource management program. Such ground water management program shall include but not be limited to evaluation of the state's ground water resources including current and projected demands on the aquifers of the state; development of a water use conservation program; study of alternatives to



ground water use, such as surface water to include treatment and transmission system, and reclaimed water; incentives for conservation; use of alternative technologies; and education and conservation programs. The plan should stress conservation as the primary mechanism for the protection of the state's ground water resources. Senate Bill 48 requires the task force to meet at least once per year, or more frequently as necessary. The task force shall report to the commissioner and the commission periodically on the activities and progress of the task force on continuing to develop the comprehensive ground water management program.

House Bill 321 by Representative Doerge (House Calendar) would have authorized the governing authorities of all parishes in which a portion of Lake Bistineau is located to enter into a cooperative endeavor agreement with each other for the purpose of selling the surface waters of Lake Bistineau and its tributaries for irrigation, municipal, or industrial uses. House Bill 321 would have required such agreement to provide that such sales not be in conflict with any statewide laws for the management, protection, or regulation of surface water.

House Bill 471 by Representative M. Guillory (Sent to the Governor) Prohibits any person from using any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes. In addition, House Bill 471 prohibits any person from introducing into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, including kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking. House Bill 471 excludes:

(1) Pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption.

(2) Toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, showers, safety shower flushes, service saddles, or water distribution main gate valves that are two inches in diameter or larger.

(3) Materials purchased or acquired by public water systems prior to January 1, 2013.

House Bill 471 prohibits any person:

(1) Engaged in the business of selling plumbing supplies, except a manufacturer, to sell solder or flux that is not lead free.

(2) From introducing into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

House Bill 471 further defines "lead free" as not having more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

Ethics

by: Alden Clement
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The First Extraordinary Session of 2011, devoted entirely to redistricting and population bills, did not include any ethics legislation. However, the 2011 Regular Session did see several bills proposing revisions to ethics, lobbying, and campaign finance laws.

2011 REGULAR SESSION

Senate Bill 195 by Senator Jackson (Sent to the Governor) provides that a person with an outstanding ethics fine cannot qualify for office unless the fine has been paid in full.

House Bill 103 by Representative Armes (Sent to the Governor) allows a school board in a parish having a population of fewer than 60,000 to employ a member of the immediate family of a board member or of the superintendent as a "special education related services professional," provided that such family member is licensed in an appropriate field for special education related services.

House Bill 453 by Representative Hines (involuntarily deferred in House and Governmental Affairs Committee) would have prohibited any legislator or statewide elected official from receiving any food, drink, or refreshment from a lobbyist or a person employing a lobbyist during any session of the legislature.

House Bill 472 by Representative R. Jones (pending Senate final passage) requires a

local government lobbyist to pay a fee of \$110 with each registration and registration renewal form filed with the Board of Ethics, and further provides that no additional fee shall be paid for filing supplemental registration.

House Bill 643 (substituted for House Bill 558) by Representative Johnson (Sent to the Governor) provides that, notwithstanding any contrary provision of the Campaign Finance Disclosure Act, when a candidate dies leaving a deficit that would otherwise require reports to be filed if the candidate were not deceased, and the personal representative of the deceased candidate sends notice to the supervisory committee of his intent to utilize the provisions of this proposed law to resolve the deficit of the deceased candidate, the personal representative of the estate of the deceased candidate is responsible for filing the required reports, which reports are to be filed at the same time and contain the same information as reports currently required for candidates with deficits.

Finance

by: Jay Lueckel
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APPROPRIATIONS

House Bill 1 by Representative Fannin (Sent to the Governor), the General Appropriations Act, provided for the ordinary operating expenses of state government for Fiscal Year 2011-2012. As the bill stood following Senate Finance Committee action, HB1 contained \$7.6 billion in State General Fund (Direct) spending and a total means of financing of \$23.3 billion, exclusive of double counts.

CONSTITUTIONAL FUNDS

Senate Bills 147 and 171 by Senator Chaisson (Pending in Conference Committee), is a constitutional amendment and statutory companion to provide relative to deposits into the Budget Stabilization Fund.

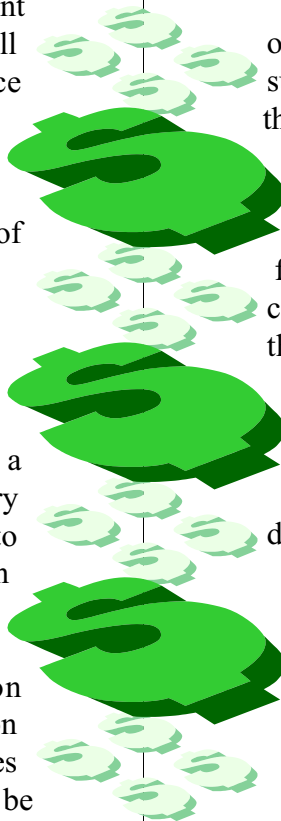
The present constitution establishes the Budget Stabilization Fund in the constitution and provides the following revenues are to be deposited into the fund: (1) monies available for appropriation in excess of the expenditure limit; (2) all mineral revenues received by the state in each fiscal year in excess of the base, which, by legislative act, was increased to \$850 million; (3) 25% of any monies recognized by the Revenue Estimating Conference as nonrecurring; and (4) any other monies appropriated to the fund by the legislature including the balance of any monies declared to be nonrecurring.

As the proposed amendment left the Senate, the proposed amendment retains these present provisions.

Present constitution permits up to 1/3 of the Budget Stabilization Fund, subject to 2/3 approval of each house of the legislature, to be incorporated in the next fiscal year's official forecast if revenue estimates for the next fiscal year are less than the official forecast for the current fiscal year. Present constitution further permits up to 1/3 of the Budget Stabilization Fund, subject to 2/3 approval of each house of the legislature, to be appropriated for the current fiscal year budget if a deficit for the current fiscal year is projected due to a decrease in the official forecast.

As the proposed amendment left the Senate, the proposed amendment retains these present provisions.

Proposed constitutional amendment provides that if at any time mineral revenues exceed the base and money in the fund is made available for appropriation or use as provided in present constitution, no deposit of mineral revenues shall be made in the fiscal year for which money in the fund is appropriated or for which money in the fund is incorporated into the official forecast nor for the ensuing fiscal year, except by specific appropriation. Thereafter, deposits of mineral revenues shall resume as provided in present constitution except in an annual amount not to



exceed 25% of the most recent amount made available for appropriation or use until the balance in the fund equals the maximum or an amount equal to the amount made available for appropriation or use is deposited into the fund, whichever is less.

Proposed House Amendments would change the repayment provisions such that appropriation or use of monies in the fund would only occur only if the balance is at its maximum; and then, in the event monies are appropriated or incorporated into the forecast, repayment would not occur in the same year or the ensuing fiscal year.

Proposed constitutional amendment further provides that all other deposits, except mineral revenues, shall continue to be made to the fund in the fiscal year for which money in the fund is appropriated or incorporated into the official forecast or for the ensuing fiscal year.

Specifies submission of the amendment to the voters at the statewide election to be held on October 22, 2011.

Effective July 1, 2012, if approved by voters.

Senate Bills 53 and 52 by Senators Alario, Amedee, and Thompson (pending Conference Committee), is a constitutional amendment and statutory companion to provide that once the balance in the Millennium Trust reaches \$1.38 billion, 100% of the annual Tobacco Settlement Proceeds shall be dedicated to the TOPS program.

Under the existing constitutional provisions, 75% of the Settlement Proceeds deposited to the Millennium Trust is allocated in equal thirds to the Health Excellence Fund,

the Education Excellence Fund, and the TOPS Fund. Investment earnings on the Millennium Trust are also allocated in equal thirds to the three funds. Expenditures from each of the three funds is limited to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the Millennium Trust, adjusted for inflation, and as recognized by the Revenue Estimating Conference.

Proposed constitutional amendment provides that for Fiscal Year 2011-2012, appropriations from the TOPS Fund shall be limited to the annual Settlement Agreement proceeds plus an amount of Settlement Agreement proceeds equal to such proceeds received by the state between April 1, 2011 and the effective date of the Act, as well as the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust.

Proposed constitutional amendment further provides that for Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the TOPS Fund shall be limited to the amount of annual Settlement Agreement proceeds credited to and deposited into the TOPS Fund and the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust, adjusted for inflation and as recognized by the Revenue Estimating Conference.

Proposed House Amendments would provide for the deposit and credit of the proceeds of 4/20 of one cent per cigarette tax into the Health Excellence fund. Further removes the sunset on the same portion of the tobacco tax.

Specifies submission of the amendment to the voters at the statewide election to be held on October 22, 2011.

Senate Bill 113 by Senator Crowe (Failed House Final Passage) and Senate Bill 114 by Senator Crowe, (House Final Passage), is a constitutional amendment to provide limited redirection and transfer of funds supporting appropriations and allocations from the state general fund and dedicated funds in certain circumstances.

Specifically provides adjustments of up to five percent of constitutionally protected and mandated allocations and appropriations if aggregate reductions of seven-tenths of one percent of allocations and appropriations from the state general fund have been made or when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures.

It authorizes, for the purposes of the budget estimate and enactment of the budget for the next fiscal year, that if the official recurring revenue forecast for the next fiscal year is at least one percent less than the forecast for the current fiscal year or when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures, an amount not to exceed five percent of the monies appropriated from any funds established by law or constitution shall be available for appropriation in the next fiscal year for a purpose other than as specified by law or constitution. It specifically, prohibits such adjustments of allocations and appropriations from the Medicaid Trust Fund for the Elderly.

Specifies submission of the amendment to the voters at the statewide election to be held on October 22, 2011.

DEATH AND DISABILITY BENEFITS

Senate Bill 1 by Senator Adley (Signed by the Speaker) and House Bill 143 by Larusso (Signed by the Speaker), provides death and disability benefits for certain La. National Guardsmen who lost their lives between the period 9/11/2001 and 7/6/2007. Funding of \$8.2 million provided in the budget for deceased servicemen and several potential disability cases. Proposed Senate amendments to HB143 make that bill mirror SB1 in all respects.

Senate Bill 271 by Marionneaux, et al. (Signed by the Speaker), provides benefits for the surviving spouse and children of a state employee who suffers death while conducting an investigation, serving a subpoena, or collecting evidence concerning a possible violation of state law in certain cases. Amendments proposed by the House add language to include "warrants, pleadings, or other orders of the court" as activities for someone who may be eligible for such benefits. The fiscal note indicates that based on the proposed legislation's eligibility provisions, the legislation would have an estimated impact of \$575,000 for benefits for surviving spouses and dependents of the two Insurance Specialists murdered June 7, 2011, while collecting case information. Effective upon signature of governor.

PROCUREMENT

Senate Bill 83 by Donahue (Sent to the Governor), provides for the use of reverse auctions by certain public entities. Reverse auction means a competitive online solicitation process on the Internet for

materials, supplies, services, products, or equipment in which vendors compete against each other online in real time in an open and interactive environment.

Under the La. Public Bid Law, the legislation authorizes political subdivisions to use reverse auctions for the procurement of materials, supplies, services, or equipment when the procurement officer of that entity determines it is in the best interest of the subdivision would be served and that electronic online bidding is more advantageous than other methods.

For state agencies operating under the La. Procurement Code, use of reverse auctions for the procurement of materials, supplies, services, products, or equipment when the director of state purchasing and the head of the using agency determine it is in the best interest of the state and that electronic online bidding is more advantageous than other methods.

Effective July 1, 2011.



Gaming

by: *Michelle Ducharme*
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CHARITABLE GAMING

Senate Bill 74 by Senator Dorsey (assigned to Senate Committee on Judiciary B) was filed to create an instant lottery game entitled "Ticket For The Cure." The bill would have required each retailer to collect a two dollar donation for each ticket sold and forward the donations to the Louisiana Lottery Corporation. The corporation would have been statutorily mandated to send the donations collected to the American Cancer Society, Mid-South Division.

HORSE RACING

Account wagering is a form of pari-mutuel wagering in which an individual may deposit money in an account with an authorized licensee and then use the account balance to pay for pari-mutuel wagers made in person, by telephone call, or by communication through other electronic means. Currently, account wagering is only authorized at the Fairgrounds in New Orleans. The other three races tracks are prohibited from using that type of wagering. **House Bill 420 by Representative Thierry (Sent to the Governor)** was filed to allow account wagering to take place at all pari-mutuel live horse racing facilities in Louisiana.

House Study Request 2 by Representative Harrison (study request approved) requests the House Committee on Commerce to study the allocation of gaming

proceeds to various horse organizations. The resolution suggests that it may be beneficial to study whether part of the revenue generated from wagering and slot machines at the facilities could be used to help maintain agricultural programs in high schools.

PROMOTIONAL POKER TOURNAMENTS

Texas hold 'em poker is a game that is not new to the Louisiana Legislature. In 2007, Representative Triche filed House Bill 484 which would have allowed, with certain restrictions, bars and restaurants to conduct promotional poker tournaments. This session **Representative Baldone introduced House Concurrent Resolution 117 (failed house final passage)**. This resolution which sought to urge and request the commissioner of alcohol and tobacco control to refrain from taking any regulatory or enforcement action against bars and restaurants for conducting promotional poker tournaments until such time that the legislature has an opportunity to legislatively address the issue of conducting Texas hold 'em tournaments was overwhelmingly defeated by the House of Representatives.

SWEEPSTAKES

Senate Resolution 130 by Senator Martiny (passed the Senate) requests the attorney general, as the chief legal advisor for the state, to review gaming laws and

determine the legality of "internet sweepstakes." These sweepstakes are proving to be a challenging issue for Louisiana and many other states.

This year, states, including Virginia and Florida, have looked at ways to legislatively tackle the issue. While Virginia passed a ban on sweepstakes, Florida failed to pass a legislative instrument which would have either regulated or prohibited the activity.

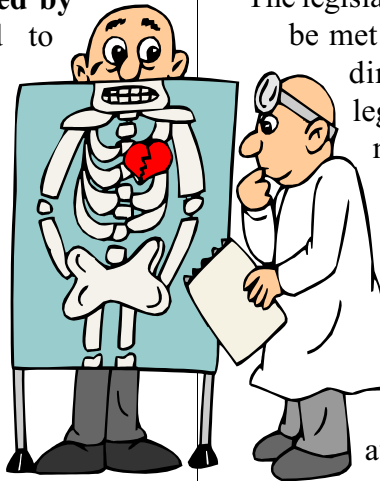
The resolution requests the attorney general to report his findings on the legality of "internet sweepstakes" to the Senate Committee on Judiciary B by February 1, 2012.

Health & Hospitals

by: Greg Waddell
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ABORTION

This year **House Bill 636** by **Representative Hoffman (Signed by the Speaker)** was introduced to address issues surrounding abortion. This legislation creates the Forced Abortion Prevention Sign Act which requires the Department of Health and Hospitals to provide signage to licensed outpatient abortion facilities. The signs provided to the outpatient abortion facilities provide pertinent information to women who are seeking an abortion and must be prominently displayed in certain areas in the outpatient facility. In addition, the legislation makes changes to the Woman's Right to Know Law by requiring DHH to maintain a website which provides information about issues related to abortion such as objective and medically accurate medical information, ways identify unlawful coercion, information to assist minors, and alternatives to abortion. The legislation also makes updates to the information that must be obtained in the printed booklet which is provided by DHH.



standards which apply to individuals providing services as a Direct Service Worker. The legislation adds to the criteria which must be met for an individual being served by direct service workers. The legislation authorizes a registered nurse to delegate to a licensed practical nurse components of the training and supervision of the direct service worker provided that the registered nurse shall retain the responsibility and accountability for all acts of delegation and ensuring authorization and competency validation. The legislation requires a direct service worker receive complete didactic training, and demonstration of competency in accordance with guidelines established and approved by DHH and LSBN in order to administer noncomplex tasks and specifies that a direct service worker must receive appropriate person-specific training from a registered nurse who has assessed the health status of the individual receiving services and determined that the direct service worker can perform the tasks in a safe, appropriate manner, with additional person-specific training by a registered nurse whenever the tasks to be performed or the types of medications to be administered are changed. The legislation further changes the current Direct Service Registry from a positive registry, where one must be listed on the registry in order to provide services, to a negative registry, where one cannot provide

DEPARTMENT OF HEALTH AND HOSPITALS

Healthcare Providers - Licensing Standards

House Bill 642 by **Representative Burford (Sent to the Governor)** makes several statutory changes to the licensing

services if they are listed on the registry. Finally, the legislation requires DHH to develop a comprehensive plan to address the delivery of quality services to a person receiving a home- and community-based service and to submit a written report to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare by Jan. 15, 2012.

House Bill 276 by Representative Montoucet (Act 93) requires a licensed hearing aid dealer who sells a hearing aid to a consumer to provide a written receipt or written contract to the consumer and requires that the written receipt or contract contain a notification to the consumer that he has a 30-day right to cancel the purchase if he finds that the hearing aid does not function adequately. The legislation further provides that if a consumer exercises the 30-day right to cancel a hearing aid purchase, the seller of the hearing aid can access a cancellation fee not to exceed 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the hearing aid. The legislation also authorizes a consumer to cancel any transaction for the purchase of a hearing aid, without any penalty or obligation, within 3 business days from the date the hearing aid is actually ordered by the consumer; however, if the transaction is cancelled, any property traded in for credit, any payments made by the consumer under the contract or sale, and any negotiable instrument executed thereupon must be returned by the seller to the consumer within 10 business days following receipt by the seller of the cancellation notice. The legislation provides for when the notice of cancellation is effective. Lastly, the legislation changes the licensing process for out-of-state hearing aid dealers from reciprocity to endorsement,

increases the number of required continuing education hours from 10 to 15, and allows for a requirements in order to obtain a temporary license.

Senate Bill 268 by Senator Mount (Sent to the Governor) changes the scope of practice for a licensed professional counselor. The legislation makes it clear that a licensed professional counselor may offer services to prevent, assess, diagnose, and treat, which includes psychotherapy, mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public which is consistent with his professional training, and code of ethics/behavior involving the application of principles, methods, or procedures of the mental health counseling profession. The legislation further requires that if a licensed professional counselor treats a patient with a serious mental illness, as defined in the legislation, the licensed professional counselor may only do so if the patient is under the active care of a practitioner who is licensed by the Louisiana State Board of Medical Examiners and only in the context of ongoing consultation and collaboration with that practitioner.

Senate Bill 26 by Senator Nevers (Act 44) allows for the Louisiana Board of Medical Examiners to promulgate rules and regulations to allow and out-of-state physician to order routine diagnostic testing for an established patient, provided the physician-patient relationship was initiated through an in-person, face-to-face visit with the physician in another state, the order can be verified, and the results of all testing are provided directly to the ordering out-of-state physician.

Two pieces of legislation dealt with qualifications and requirements for a person to be certified as a nurse aide. The first piece of legislation, **Senate Bill 64 by Senator Cheek (Sent to Governor)** removes the requirement that in order to maintain state certification as a nurse aide a person must work a minimum of 90 days or 720 hours of certified nurse aide duties in one nursing facility within a 120 day period each year. The second piece of legislation, **Senate Bill 93 by Senator McPherson (Act 50)**, makes the medication attendant certification program for certified nurse aides a permanent program and authorizes the Louisiana Community and Technical College System to develop and maintain a clinical preceptor nurse aide training program in accordance with federal law and regulation.

Medicaid

Several pieces of legislation dealt with issues concerning the Medicaid Program. **House Bill 382 by Representative Anders (Sent to the Governor)** makes several changes to the Medical Assistance Program. Integrity Law is used to combat and prevent fraud and abuse committed by health care providers and others. The legislation increases the civil monetary penalties to be imposed on the violator and provides that the court may not reduce the award to less than twice the actual damages, if requested. The legislation removes the prohibition of bringing a qui tam action for a public employee with a duty to report wrongdoing or who had access to records relative to the activities of a health care provider and further provides that any employee, contractor, or agent shall be entitled to all relief necessary to make him whole if he is discharged, demoted, suspended, or discriminated against in any manner. The legislation also makes certain procedural

changes to how a qui tam is maintained in a court of law.

The second piece of legislation, **Senate Bill 207 by Senator Mount (Signed by the Speaker)**, requires the Department of Health and Hospitals to submit an annual report concerning the Louisiana Medicaid Coordinated Care Network program to the Senate and House committees on health and welfare which shall include certain statistical and outcome information as provided for in the legislation about the Coordinated Care Network Program. The legislation further provides that within 90 days of receipt of the Jan. 1, 2014, annual report, either JLCB or the House and Senate committees on health and welfare, meeting jointly, may determine if the authority for the Coordinated Care Network Program should be terminated. The legislation further provides that if a motion for termination is adopted, such termination would be effective Dec. 31, 2014.

The third piece of legislation is **House Concurrent Resolution 53 by Representative Harrison (Filed With Secretary of State)** and it urges and requests DHH and DOE to study jointly the feasibility and advisability of funding more school nurse positions through the Medicaid program and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education, and the Senate Committee on Education prior to the beginning of the 2012 Regular Session.

The final piece of legislation, **House Concurrent Resolution 164 by Representative Katz (Signed by the Speaker)** urges and requests DHH to study the health impacts and fiscal benefits to this

state of implementing a Medicaid 1115 demonstration waiver to expand coverage of pre-disabled people living with HIV and to report the study results to the legislature.

HEALTHCARE INFORMATION

Senate Bill 27 by Senator Amedee (Sent to Governor) clarifies provisions which deal with the production of medical records and the fees which may be collected for the reproduction of these records. The legislation specifically provides that the fees provided for in current law shall be the only fees which may be collected from any individual or entity receiving copies of medical records.

Senate Bill 156 by Senator Broome (Act 54) provides that on and after January 1, 2012, every licensed hospital in the state of Louisiana shall, prior to discharge, provide parents of newborns educational information provided by DHH on the Pertussis disease and the availability of a vaccine to protect against contracting the disease. Such information shall include, but not be limited to, information on the CDC's recommendation that parents receive the Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis Vaccine Adsorbed (Tdap) vaccination during the postpartum period to help protect their newborns from the transmission of Pertussis.

YOUTH SPORTS/CONCUSSIONS

Senate Bill 189 by Senator Cheek (Signed by the Speaker) provides for the Louisiana Youth Concussion Act which requires that the governing authority of each public and nonpublic elementary school, middle school, junior high school, high school, private club, public recreation facility, and each athletic league which sponsors youth athletic activities to:

- (1) Prior to beginning of each athletic season, provide pertinent information to all coaches, officials, volunteers, youth athletes, and their parents/guardian which informs of the nature and risk of concussion and head injury, including the risks associated with continuing to play after a concussion or head injury.
- (2) Require each coach, whether such coach is employed or a volunteer, and every official of a youth athletic activity that involves interscholastic play to complete an annual concussion recognition education course.
- (3) Require as a condition of participation in any athletic activities that the youth athlete and the youth athlete's parents or legal guardian sign a concussion and head injury information sheet which provides adequate notice of the statutory requirements which must be satisfied in order for an athlete who has or is suspected to have suffered a concussion or head injury to return to play.

The legislation further requires that a concussion recognition education course include the following information:

- (1) How to recognize the signs of and symptoms of a concussion.
- (2) The necessity of obtaining proper medical attention for a person suspected of having sustained a concussion.
- (3) The nature and risk of concussions, including the danger of continuing to

play after sustaining a concussion and the proper method and statutory requirements which must be satisfied in order for a youth athlete to return to play in the athletic activity.

The legislation requires that a coach shall immediately remove any youth athlete from a game, competition, or practice if certain conditions consistent with a concussion are present. In the event a youth athlete is removed from play and the signs and symptoms cannot be readily explained by a condition other than concussion, the coach shall notify the athlete's parent or legal guardian and shall not permit the youth athlete to return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a graduated or full return to play.

The legislation provides that after a youth athlete who has sustained a concussion or head injury has been evaluated and received clearance for a graduated return to play from a health care provider, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league may allow a licensed athletic trainer with specific knowledge of the athlete's condition to manage the athlete's graduated return to play.

The legislation provides that no liability or cause of action is created for a school, its officers, or its employees, an organization or association of which a school or school district is a member, a private or public school, a private club, a public

recreation facility, or an athletic league when such person or entity has complied with the provisions of the legislation.

Homeland Security

by: Heyward Jeffers
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HOMELAND SECURITY

House Bill 34 by Representative Brossett (Sent to Governor) requires the Governor's Office of Homeland Security and Emergency Preparedness to create a statewide critical incident planning and mapping system for all public buildings in the state to assist first responders when responding to a disaster or emergency. GOHSEP is also required to acquire a computer system and software that has the capability of storing critical information required by the new planning and mapping system and granting access to that information to all first responders. The proposal will also require the state office of facility planning and control, division of administration, local governmental subdivisions and school superintendents to provide and transfer the necessary critical information to the new system. GOHSEP shall adopt rules in accordance with the Administrative Procedure Act to effect the manner and format by which those entities shall transfer critical information for inclusion in the system. Critical information shall include building floor plans, evacuation plans and other fire protection formation relative to each state building. Any known hazards associated with the building shall also be deemed critical information. GOHSEP shall establish guidelines for the accessibility and confidentiality of information contained



within the system as well as training guidelines for persons using the system. Implementation of the new critical information system shall be contingent upon the appropriation of necessary funds, however, GOHSEP shall take such actions as are necessary and appropriate to secure private, state, federal, or other public funds as are necessary and appropriate to develop, operate and maintain the system. GOHSEP is also encouraged to seek and accept gifts, grants, and other contributions to run the system. The bill had received approval by both chambers by the last week of the session, but still needed concurrence by the House of Senate amendments to the measure.

A number of bills dealing with illegal immigration issues were filed during the 2011 Regular Session, and met with mixed results as they moved through the process. **House Bill 59 by Representative Harrison (Original)** sought to create the Louisiana Taxpayer and Citizen Protection Act of 2011 to require the verification of citizenship status of residents of Louisiana as it relates to employment, educational benefits, public benefits, identification, arrest, criminal offenses, and law enforcement. A program named the Systematic Alien Verification for Entitlements (SAVE) would be used to verify the citizenship status for persons ages 14 and

older who apply for public benefits, except for certain emergency services in certain situations and for the prevention and treatment of communicable diseases. The bill would also require that applicants for public services submit a notarized affidavit stating they are a U.S. citizen or a qualified alien while the SAVE program was confirming their citizenship status. Illegal aliens would also not be eligible for resident tuition benefits, restricted admission programs for disadvantaged or minority applicants, work-study programs or financial aid at a postsecondary institution. Upon booking, an arresting law enforcement officer shall verify the citizenship status of the arrested person under the bill and further requires that law enforcement agencies attempt to verify the citizenship status of an arrested person before release from custody. If such status cannot be determined, the arresting agency must notify the U.S. Department of Homeland Security. If the arrested person is determined to be in the U.S. illegally, the arresting agency may transfer that person into federal custody. Most significantly, the bill creates the crimes of unlawfully moving, transporting, attempting to transport, harboring, concealing, or sheltering an illegal alien if the offender knew or should have known the person is unlawfully in the U.S. and specifies penalties for conviction of those crimes. The bill died in the House Judiciary Committee as the session reached final adjournment.

House Bill 646 by Representative Talbot (Adopted in House Concurrence) requires employers to use the E-Verify program to verify the citizenship status of employee applicants. Currently, employers may not be prosecuted for hiring an illegal alien if that employer uses a picture

identification in addition to a U.S. birth certificate, naturalization certificate, alien registration receipt card, or U.S. immigration form I-94. Under the bill, employers using the E-Verify program may not be penalized for any error that results in the employment of a person unauthorized to work in the U.S. The measure would also increase fines and penalties for second and third violations for employers hiring illegal immigrants. The bill, which began the process as House Bill 175, was adopted by substitute as House Bill 646 by the house, passed on to the senate and referred to the Senate Committee On Labor and Industrial Relations. The bill was approved by the committee and awaited final senate passage as the final week of the session began.

Another bill aimed at the issue of immigration was **House Bill 342 by Representative Edwards (Sent to the Governor)**. The proposal requires that Louisiana use a federal "status verification system" to electronically verify that an employee performing work on a public contract is residing legally in the U.S. and legally allowed to work in this country during the duration of the employment. The federal system was created in the Illegal Immigration Reform and Responsibility Act of 1996, 8 U.S.C. 1324(a), and operated by the United States Department of Homeland Security, known as the "E-Verify" program. The proposed state law requires that a private employer shall not bid on or otherwise contract with a public entity unless the private employer verifies in a sworn affidavit attesting that the private employer is registered and participates in a status verification system to verify that its employees are legal citizens of the U.S. or are legal aliens. Also required of

the employer is the submission by any subcontractors of the employer of a sworn affidavit verifying that its employees are citizens or legal aliens. The bill was returned to the house with senate amendments as the session entered its final days. The bill needed concurrence by the house of the senate amendments.

House Bill 411 by Representative Wooton (assigned to House Appropriations) was an attempt to create the Louisiana Citizen Protection Act requiring verification of citizenship status of residents of Louisiana as it relates to employment, public benefits, identification, arrest, criminal offenses and law enforcement. The proposal creates the crimes of unlawfully harboring, concealing, or sheltering an illegal alien and provides for penalties. Also prohibited is the employment or solicitation for employment of any person who is unlawfully present in the U.S. Employers must also use the status verification system to determine an applicant's eligibility to work. The Louisiana Workforce Commission would also be required to provide not less than two years of training and instruction for its employees using the federal E-Verify system as a means to determine the citizenship status of residents. The Louisiana Workforce Commission would also be required to investigate complaints of violations of the Act and the executive director of the commission to verify the status of employees who are employed with the employer against whom the complaint was alleged. The proposal would also create the Immigration Enforcement Trust Fund for funds collected as civil fees for violations of immigration enforcement laws. Law enforcement would be required to make a reasonable attempt to determine the

immigration status of any person under a lawful stop, detention, or arrest. The measure came with an eleven million dollar cost to implement the program. The bill ultimately died in the House Committee On Appropriations when the price tag became an issue.

Senate Bill 66 by Riser (pending Conference Committee) was another bill aimed at immigration reform. The measure requires the verification of legal work status of employees by private employers seeking to contract with state agencies. The bill requires private employers that enter into a contract with the state to use a status verification system to determine that their employees are legal citizens of the United States or are legal aliens. Violations of the provisions of this bill would make an employer ineligible to enter into a contract with the state for a three-year period. The electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C. 1324a, operated by the Department of Homeland Security and known as the "E-Verify Program" would be used by employers to determine immigration and employment status. The employers would bear the costs to use the verification system to determine the status of their employees. The measure had passed both houses, but was heavily amended. It awaited action in a conference committee as the session entered its last week.

Senate Bill 181 by Senator Thompson (Sent to the Governor) provides an exception to the current requirements of possessing a commercial driver's license for an operator of an emergency command post vehicle which meets the definition of a

commercial motor vehicle and who is employed by the Governor Office of Homeland Security and Emergency Preparedness or a parish office of emergency preparedness. Such operators would be required to possess only a Class E driver's license for personal vehicles. The bill was passed in both chambers and awaited the governor's signature as the session ended.



Human Resources

by: *Michael Anne Percy*
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House Bill 210 by Representative Lafonta (assigned to House Labor and Industrial Relations), would make it unlawful for an employer to inquire on a job application about the arrest record of an applicant. The bill proposes that an inquiry into and consideration of any arrest can take place only after the prospective employee has received a conditional offer of employment. Under the bill, a conditional offer may be withdrawn if the prospective employee has an arrest record that bears a rational relationship to the duties and responsibilities of the position for which he is being considered. The bill states that it will not apply to employers that are required by law to conduct a criminal history background check or consider criminal history in their hiring process.

Senate Bill 76 by Senator Martiny (Sent to the Governor) would require a public entity taking bids for public work, unless otherwise required by federal law, to ensure that bid specifications, project agreements, and other controlling documents entered into, required, or subject to approval by the public entity do not require bidders, contractors, subcontractors, or operators to: 1) enter into or adhere to agreements with one or more labor organizations on the same related projects; 2) enter into agreements under which they are required to remain neutral toward any

labor organization; or 3) pay predetermined or prevailing wages.

The bill also prohibits discrimination against bidders, contractors, subcontractors, or operators for refusing to: 1) become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same related projects or 2) enter into any agreement under which they are required to remain neutral toward any labor organization.

Finally, the bill propose to prohibit the requirement that any bidders, contractors, subcontractors, or operators enter into, adhere to , or enforce an agreement that requires any employee, as a condition of employment, to become a member of or become affiliated with a labor organization or pay dues or fees to a labor organization over the employee's objection

House Bill 646 by Representative Talbot (Signed by the Speaker) and Senate Bill 66 by Senator Riser (pending Conference Committee), both of which would require all employers in Louisiana, private or public, to register with and use the federal work status verification system know as "E-Verify, " the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. The E-Verify

system is operated by the U.S. Department of Homeland Security.

Senate Bill 211 by Senator Morrell (assigned to Senate Labor and Industrial Relations), would prohibit state agencies from discriminating in employment or in the provision of services to the agencies based on a person's sexual orientation, gender identity or expression, or political affiliation. The bill defines sexual orientation as "being perceived as being heterosexual, homosexual, or bisexual." It further defines gender identity or expression as "having or being perceived as having a gender-related self-identity, appearance, or behavior, whether or not associated with a person's assigned sex at birth, and the expression thereof."

House Bill 320 by Representative Norton (assigned to House Labor and Industrial Relations), creates the Equal Pay for Women Act. Provides for definitions; provides for prohibited acts constituting unequal pay; provides for a complaint procedure; provides for damages; limits actions of employees; requires certain records be kept by employers; and provides for related matters.

House Bill 392 by Representative Hazel (Signed by the Speaker) Provides with respect to criminal background checks for persons seeking employment; authorizes an employer to obtain conviction records for applicants seeking employment; provides for the taking of fingerprints from prospective employees; authorizes Court Appointed Special Advocate programs to obtain criminal background records for persons considered for involvement with the program; requires the Louisiana Bureau of Criminal Identification

and Information to forward fingerprints to the Federal Bureau of Investigation for a national criminal history check; provides for additional offenses excluding employment in professions with access to children; and provides for related matters.

Information Technology

by: Gary Schaefer
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ABORTION

House Bill 636 by Representative Hoffmann (Signed by the Speaker) requires that upon initial contact with an abortion provider by any person seeking to schedule an abortion for a minor or adult woman or for herself, whether such initial contact is by telephone, by Internet communication, in person or by any other means, the physician who is to perform the abortion or any person acting on behalf of the physician informs the person of the Internet address of the Department of Health and Human Resources abortion alternatives and informed consent website of the department.

ALCOHOLIC BEVERAGES

House Bill 234 by Representative Templet (Act 86) authorizes the use of video conferencing for the office of alcoholic tobacco control (ATC) for conducting hearings, and provides that prior to utilizing such technology, the commissioner shall adopt rules pursuant to the provisions of the Administrative Procedure Act to provide for the methods and requirements of utilizing teleconference, video link, or other visual remote communications technology to conduct hearings.

BOARDS/COMMISSIONS

House Concurrent Resolution 105 by Representative Smiley (Filed with the Secretary of State) requires the legislative auditor to issue a report concerning boards and commissions that have failed to comply with

the requirements
of the Louisiana
Revised
Statutes as
it relates
to boards that

failed to submit to the
commissioner for posting on its website:
notices and minutes of meetings, statutory
citations to provisions specifically creating
and providing for the board, contact
information including e-mail address and
website address, membership information, per
diem and reimbursement travel expenses
information, employee information, financial
and budget information, and rules, regulations
and procedures for the board.

CHILDREN

House Concurrent Resolution 12 by Representative Timothy Burns (Filed with the Secretary of State) recognizes that twenty-five percent of daily search engine requests involve searches for pornographic material and thirty-four percent of Internet users have received unwanted exposure to sexual material through the Internet; therefore, urges and requests the Louisiana State Law Institute to appoint and convene a task force to evaluate Louisiana's existing laws, programs, and services that address childhood addiction to pornography.

COLLEGES/UNIVERSITIES

Senate Bill 241 by Senator Chaisson (Pending Senate Education Committee)



supports the state's public postsecondary education institutions in remaining competitive and increasing institutions' overall effectiveness and efficiency by requiring that the institutions achieve specific, measurable performance objectives aimed at improving college completion. The bill further provides that institutions submit a report to the Board of Regents, which shall be published on its website, containing but not limited to: cost performance analysis, total operating budget by function, average yearly cost of attendance, average time to degree completion, average cost per degree awarded by degree level, and average cost per non-completer by degree program entered.

House Bill 549 by Representative Tucker (Pending Conference Committee) supports the state's public postsecondary education institutions in remaining competitive and increasing institutions' overall effectiveness and efficiency by requiring that the institutions achieve specific, measurable performance objectives aimed at improving college completion. The bill further provides that institutions submit a report to the Board of Regents, which shall be published on its website, containing but not limited to: cost performance analysis, total operating budget by function, average yearly cost of attendance, average time to degree completion, average cost per degree awarded by degree level, and average cost per non-completer by degree program entered.

COMPUTERS

House Bill 607 by Representative Arnold (Act 115) authorizes a lender to charge a fee for electronic lien and title services (E.L.T. fee), and prohibits an E.L.T. fee from being considered as interest or being

included in the calculation of interest.

CONGRESS

Senate Concurrent Resolution 3 by Senator Nevers (Filed with the Secretary of State) memorializes Congress to enact laws to establish, implement, and ensure that universal communication is at all times and at all places available to warn the American people of imminent and impending dangers (e.g., war, terrorist attack, natural disaster).

CONSUMERS/PROTECTION

House Bill 231 by Representative Foil (Assigned to House Commerce) prohibits the use of stolen or misappropriated information technology (i.e., hardware or software) by any person who manufactures an article or product, and defines such use as an unfair act. The bill further provides that any person who engages in an unfair act shall be subject to actual and statutory damages.

CONTROL DANGER SUBSTANCE

Senate Bill 223 by Senator Mount (Sent to the Governor) provides that a prescription for a controlled substance listed in Schedule II, III, IV, or V may be generated, signed, transmitted, and received in electronic form, but only in conformance with the federal rules established by the United States Drug Enforcement Administration at 21 CFR 1311.

CRIME

House Bill 86 by Representative White (Act 67) amends crimes involving sexual battery, indecent behavior, and molestation to include elements of sexual abuse of juveniles and the infirmed. The definition of indecent behavior includes the transmission, delivery, or utterance of any

textual, visual, written, or oral communication depicting lewd or lascivious conduct, text, words, or images to juveniles or infirmed persons. Textual communication includes computer on-line service, Internet service, local bulletin board service, Internet chat room, electronic mail, and on-line messaging service. The bill further provides that personal property can be seized, provides for imprisonment with hard labor, and provides after imprisonment for electronic monitoring.

CRIME/SEX OFFENSES

House Bill 55 by Representative Thierry (Act 26) prohibits certain sex offenders from using or accessing social networking websites, chat rooms, and peer-to-peer networks. The bill further provides first time violators shall be fined \$10,000 and imprisoned with hard labor for not more than ten years without benefit of probation or parole, and subsequent convictions shall be fined not more than \$20,000 and shall be imprisoned with hard labor for not less than five years nor more than twenty years without benefit of probation or parole.

CRIMINAL/SENTENCING

House Bill 414 by Representative Lopinto (Sent to the Governor) provides that a person shall not be eligible for diminution of sentence for good behavior if he has been convicted of or pled guilty to certain offenses, which includes computer-aided solicitation of a minor.

EMPLOYMENT OF MINORS

House Bill 303 by Representative Ponti (Sent to the Governor) requires every person employing minors to procure and keep on file an employment certificate issued by the parish or city school superintendent for

approval by the Louisiana Workforce Commission. The superintendent must complete and submit electronically the Employment Certificate Interactive Form located on the workforce commission's website. The employment certificate shall be printed online from the website from information that has been entered on the department's employment certificate database.

HEALTH CARE

Senate Resolution 81 by Senator Mills (Passed the Senate) creates the Legislative Workgroup on Electronic Prescribing to study and make recommendations to the legislature by January 1, 2012, concerning electronic prescribing.

HIGHER EDUCATION

Senate Bill 251 by Senator Appel (assigned to Senate Education) creates the Louisiana Postsecondary Education Board of Trustees and provides for the organization, powers, and responsibilities of the board. The bill requires the board to broadcast over the Internet live audio and video streams of all its board and committee meetings held in Baton Rouge, and to archive those broadcasts for at least one year from the date of the meeting. The audio and video broadcasts shall not be construed to be the official record or any part of the official record. If the board is precluded from fulfilling this requirement due to a technical problem beyond its control, or if the only room available does not support such broadcasts, the board shall not be in violation. The board shall also provide for the implementation of a computer-based system of articulation assessment that is accessible by all postsecondary students.

House Bill 588 by Representative Carmody (assigned to House Education) creates the Louisiana Postsecondary Education Board of Trustees and provides for the organization, powers, and responsibilities of the board. The bill requires the board to broadcast over the Internet live audio and video streams of all its board and committee meetings held in Baton Rouge, and to archive those broadcasts for at least one year from the date of the meeting. The audio and video broadcasts shall not be construed to be the official record or any part of the official record. If the board is precluded from fulfilling this requirement due to a technical problem beyond its control, or if the only room available does not support such broadcasts, the board shall not be in violation. The board shall also provide for the implementation of a computer-based system of articulation assessment that is accessible by all postsecondary students.

House Concurrent Resolution 69 by Representative Harrison (Passed the Senate) urges and requests each public institution of postsecondary education to report on its website by December thirty-first annually to the house and senate committees on education information that includes but is not limited to: a profile of the institution and its students, description of the student body profile, institution fees and costs of attendance, institution criteria for transferring, and the institution's four-year, five-year, and six-year graduation rates.

HOMELAND SECURITY

House Bill 34 by Representative Brossett (Sent to the Governor) authorizes the creation of a statewide computerized planning and mapping system for public

buildings, each local school district's buildings, and recovery school district buildings to assist first responders and the governor's office of homeland security and emergency preparedness in a disaster or emergency.

INTERNET

Senate Bill 213 by Senator Michot (subject to call-Senate Final Passage) establishes the Louisiana Enhanced Governmental Access Portal within the division of administration to centralize electronic information systems, or collection of websites and applications by which public information shall be disseminated or collected, or transactions shall be conducted, via the Internet, or other electronic medium. The bill further provides for: oversight of agencies to ensure electronic access to public information, permit the conduct of electronic transactions with government for members of the public and business, explore ways of expanding and improving the amount and kind of information and electronic transactions that are provided, and foster the principle of a user-supported portal for interactions with government throughout the state.

MOTOR VEHICLES

House Bill 338 by Representative Stiaes (Failed House Final Passage) prohibits operators of motor vehicles from using hand-held wireless communication devices and provides fines for violators.

PRINTING

House Bill 376 by Representative Nowlin (Sent to the Governor) authorizes higher education institutions and boards to expend public funds for advertising designed to promote on-line services and programs of

any public institution of higher education.

PROCUREMENT CODE

Senate Bill 83 by Senator Donahue (Sent to the Governor) authorizes the use of reverse auctions by a political subdivision when a determination is made by its procurement officer that the best interests of the political subdivision would be served, and that electronic on-line bidding is more advantageous than other procurement methods. The bill further authorizes state agencies, with approval of the state director of state purchasing and the head of the agency, to use reverse auctions when it is in the best interests of the state that electronic on-line bidding is more advantageous than other procurement methods provided in the Louisiana Procurement Code.

PUBLIC CONTRACTS

House Bill 342 by Representative Edwards (Sent to the Governor) provides for the verification of citizenship of employees engaged in public contract work using the electronic verification of work authorization program of the Illegal Immigration Reform and Responsibility Act of 1996, 8 U.S.C. 1324(a) and operated by the U.S. Department of Homeland Security, known as the "E-Verify" program. Any private employer violating the provisions of this bill may be subject to cancellation of any public contract and result in ineligibility for any public contract for a period of not more than three years from the date of the violation.

House Bill 192 by Representative White (Act 81) authorizes public entities to have the option to require that all bids be submitted electronically for any competitive bid let out for public bid. The bill further

requires public entities to include all bid documents on the electronic website accepting the electronic bids. The bill also provides an exception to parishes with a police jury form of government with populations less than 20,000 and cities and municipalities with populations less than 10,000.

PUBLIC EMPLOYEES

House Bill 204 by Representative Ligi (Involuntarily Deferred-House Governmental Affairs) creates the public employee bargaining transparency act. The bill provides that the public employer shall make available on its existing website, operate a website, or contract for the operation of a website that allows public access to all tentative and finalized collective bargaining agreements.

PUBLIC RECORDS

House Bill 73 by Representative Smiley (assigned to House Governmental Affairs) provides for state agencies to use electronic digitization of public records as the sole source of preservation of such records.

PUBLIC SAFETY/CORRECTIONS DEPARTMENT

Senate Bill 182 by Senator Thompson (signed by the Speaker) prohibits any person incarcerated and sentenced to the legal custody of the Department of Public Safety and Corrections from establishing an account on any Internet-based social networking website. A social networking website is defined as an Internet-based website with any of the following capabilities: allows users to create web pages or profiles about themselves that are available to the general public or to any other user, offers a mechanism for communication among users,

such as a forum, chat room, electronic mail, or instant messaging. The bill further provides fines of not more than \$500 or imprisonment for not more than thirty days or both.

SCHOOLS

Senate Bill 46 by Senator Shaw (assigned to House Education) creates the Louisiana Virtual School in the Department of Education as a technology-based program to expand learning opportunities for high school students through courses of study that may not otherwise be available to students, and offer access to a full menu of standards-based, on-line courses of study in subjects which are delivered by certified teachers using the Internet, electronic mail, and other on-line services.

SCHOOLS/BOARDS

House Bill 559 by Representative Rosalind Jones (subject to call-Senate Final Passage) requires each public school board that maintains a website to publish on the website information, including but not limited to: board policies and procedures, minutes of board meetings, directory of school contact information, disciplinary action process and procedures, and school calendars.

SCHOOLS/CHARTER

House Bill 421 by Representative Carter (Sent to the Governor) authorizes a charter school to reserve space at the school for children of employees of a corporation or other legal entity that makes a major donation to the school. The bill defines one of the major donations as an investment in technology that includes a donation of hardware, software, Internet access, Internet hardware, enterprise systems, software licenses, smart board technology, or

audiovisual equipment.

SENATE

Senate Resolution 4 by Senator Claitor (Filed with the Secretary of State) requires that on the day on which a resolution or concurrent resolution appears on the regular calendar to be adopted by the Senate, the resolution shall be posted on the official legislative website.

SEX OFFENSES

Senate Bill 185 by Senator Crowe (assigned to Judiciary B) requires the Louisiana Bureau of Criminal Identification and Information, and Internet service providers to create and maintain a searchable database consisting of the names of registered sex offenders and the corresponding address or addresses of each registered sex offender. The bill further provides that the bureau shall provide access to the database to all Internet service providers doing business in the state.

TAX COMMISSION, STATE

House Bill 104 by Representative Downs (Act 71) requires the hearings of the tax commission regarding changes to rules and regulations be held at the state capitol, and requires such hearings to be recorded and broadcast via the Internet. The bill further requires such hearings to be archived and made available to the public via the Internet for a minimum of three years, and shall be viewable through a link on the commission's website.

TAX CREDITS

Senate Bill 123 by Senator Martiny (Signed by the Speaker) changes the digital interactive media producer and software tax credit from a transferrable tax credit to a

refundable credit, which may be converted to a rebate.

House Bill 248 by Representative Henry (Assigned to the Senate Revenue and Fiscal Affairs) changes the digital interactive media producer and software tax credit from a transferrable tax credit to a refundable credit, which may be converted to a rebate.

TAX EXEMPTIONS

Senate Bill 224 by Senator Mount (assigned to Senate Revenue and Fiscal Affairs) authorizes the assessor of any parish to allow the taxpayer to notify the assessor of a homestead exemption to be claimed or that the property no longer qualifies for the homestead exemption, through regular mail or by electronic transmission through the Internet on a form and in the manner provided by the assessors.

TAX/SALES & USE

House Concurrent Resolution 80 by Representative Rosalind Jones (Filed with the Secretary of State) urges and requests the Louisiana Association of Tax Administrators to conduct a survey of local governmental taxing authorities regarding sales and use tax collections from sales made over the Internet.

TAX/SALES-USE-EXEMPT

House Bill 486 by Representative Greene (assigned to Senate Finance) exempts sales and use taxes imposed by the state or any political subdivision of the state to necessary fees incurred in connection with the installation and delivery of a multi-channel video programming service or subscription television service by satellite or Internet protocol television. The exemption shall not apply to purchases made for any satellite or

Internet protocol television system, but shall apply only to monies collected from the subscriber for regular service, installation, and repairs. In addition the exemption shall not apply to municipalities with a population in excess of 300,000, and to parishes with a population between 400,000 and 435,000 and those between 35,800 and 39,000.

TAX/TAXATION

Senate Bill 134 by Senator Claitor (Signed by the Speaker) extends the Technology Commercialization Credit and Jobs Program from December 31, 2011, to December 31, 2017, and requires the secretary of the Department of Economic Development to report each January to the Joint Legislative Committee on the Budget information concerning the award and denial of applications for tax incentives administered by the department in the most recently completed calendar year.

House Bill 467 by Representative Carter (assigned to Senate Revenue and Fiscal Affairs) extends the Technology Commercialization Credit and Jobs Program from December 31, 2011, to December 31, 2017, and requires the secretary of the Department of Economic Development to report each January to the Joint Legislative Committee on the Budget information concerning the award and denial of applications for tax incentives administered by the department in the most recently completed calendar year.

VETERANS

House Bill 265 by Representative Hines (assigned to House Judiciary) requires the secretary of the Department of Veterans Affairs to develop and maintain a

database of employment opportunities for retired military service members by October 1, 2011. The database shall include two components: allow retired military service members to post a résumé, and allow potential employers to post information concerning job openings, including descriptions and qualifications.

Insurance

by: Cheryl Horne
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Senate Bill 84 by Senator Morrish (Sent to the Governor) is legislation that affords good news to insurance consumers. Specifically, present law requires an insurance company to pay to the insured, within 30 days following a cancellation, any unearned portion of any premium paid on the policy as computed on the customary pro rata rate or as otherwise specified in the policy. Senate Bill 84 goes further to require payment of any unearned premium on a policy approved by the commissioner, to be paid to the insured. Also, there is no prohibition against an insurer calculating unearned premium based on a short-rate provision in any insurance policy that has been filed and approved by the commissioner.

Senate Bill 154 by Senator Murray (Sent to the Governor) is good news for insureds on a medication regimen. While all health care coverage plans issued on or after January 1, 2011 must provide coverage for step therapy or fail first protocols, this legislation also requires any health care coverage plan which includes prescription benefits as part of the policy to also cover step therapy or fail first protocols. Further, when a prescribing physician requests an override of a restriction on the use of certain medications, an override shall be expeditiously considered by the insurer. In the event of a restriction, the prescribing physician has the ability to demonstrate that the preferred treatment is reasonably expected

to be ineffective based on the patient's medical history or that the treatment is clinically ineffective.

Senate Bill 169 by Senator Claitor (Pending Conference Committee) prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining prior written consent of the insured or member or his legal representative. The rights of an insurer to seek reimbursement of monies paid cannot be impaired; however, the total amount to be reimbursed is not to exceed the amount actually paid by the insurer or provider. Moreover, Senate Bill 169 requires that a person seeking to enforce the provisions of the legislation be entitled to recover court costs and attorney fees in any court action.

Senate Bill 173 by Senator Adley (Pending Conference Committee) requires every health insurance issuer, not less than 90 days prior to the renewal of a policy, to release to each group policyholder or agent of a policyholder, claims data upon request within no more than fourteen business days of receipt of the request. Claims data includes:

1. Net claims paid by month during the policy period.
2. Monthly enrollment by employee, employee and spouse, or employee and family

during the policy period.

3. The amount of any claims reserve established by the insurance provider against future claims.

4. Claims over \$10,000 including claimant identifier, date of the occurrence, amount of claims paid or unpaid, as well as the claimant health condition or diagnosis.

5. A complete listing of potential catastrophic diagnosis and prognosis involving persons covered by the policy.

Most importantly, any disclosure of the actual identity of a claimant is prohibited as it violates federal law. The claims identifier is merely an alpha or numeric designation.

Judiciary

by: Tom Wade
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2011 REGULAR SESSION

BUDGET

House Bill 608 by Representative Fannin (Sent to Governor) appropriates funds for Fiscal Year 2011-2012 for the ordinary operating expenses of the judicial branch of government with total funding of \$159,030,085 from the following sources: \$138,862,434 out of the State General Fund (Direct); \$10,670,000 through interagency transfers from the Dept. of Children and Family Services; and, \$9,497,651 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows, subject to the reduction provided for below:

(1) Louisiana Supreme Court	\$74,998,559
(2) Courts of Appeal	43,480,534
(3) District Courts	34,143,082
(4) Criminal Court, Parish of Orleans	5,765,523
(5) Juvenile and Family Courts	2,342,586
(6) Other Courts (Required by Statute)	2,801,870
(7) Other Courts (Not Required by Statute)	645,304
TOTAL	\$164,177,458

It further provides that the appropriations out

of the State General Fund (Direct) contained in the Act shall be reduced by a total amount of \$5,147,373 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court. It goes into effect July 1, 2011.

JURISDICTION

House Bill 205 by Representative Cromer (Sent to Governor) provides for a jurisdictional exception for the City Court of Slidell. Under present law, parish and city courts are prohibited from exercising jurisdiction over cases in which the state, or a parish, municipal, or other political corporation is a defendant. The bill provides for an exception to the prohibition and authorizes the City Court of Slidell to have jurisdiction over a petition for nullity filed in the City Court of Slidell to nullify a judgment of bond forfeiture rendered by the City Court of Slidell. It becomes effective August 15, 2011.

House Bill 237 by Representative Gallot (Act 88) provides a change in the civil jurisdictional amount for the City Court of Ruston. Currently, the law provides that in the City Court of Ruston, the civil jurisdictional amount in dispute is \$25,000. The present law also provides that in the following courts, the civil jurisdiction is concurrent with the district

court in cases where the amount in dispute, or the value of the property involved, does not exceed \$25,000: the City Court of Abbeville, the City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Kaplan, the City Court of Lake Charles, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Plaquemine, the City Court of Port Allen, the City Court of Shreveport, the City Court of Sulphur, and the City Court of Winnsboro. Present law also provides that in the City Court of Alexandria and the City Court of Pineville, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed the amount triggering the right to demand a jury trial. The bill retains the current provisions of law but provides that in the City Court of Ruston, the civil jurisdictional amount in dispute is up to an amount that does not trigger the right to demand a jury trial (currently, a cause of action exceeding \$50,000 exclusive of interest and costs). It becomes effective August 15, 2011.

House Bill 402 by Representative Huval (Act 103) changes the jurisdiction of the City Court of Breaux Bridge. Currently, the law provides that, unless specified otherwise, generally the civil jurisdiction of a city court is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed \$15,000. The present law provides that in the city courts of Crowley, Hammond, Jeanerette, Jennings, New Iberia, Monroe, Oakdale, Rayne, and Winnfield, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute or

the value of the property involved does not exceed \$30,000. The bill adds the City Court of Breaux Bridge to those city courts having civil jurisdiction where the amount in dispute or the value of the property involved does not exceed \$30,000. The proposed change becomes effective upon signature of governor or lapse of time for gubernatorial action. It becomes effective upon signature of the governor or lapse of time for gubernatorial action.

ORGANIZATION/REORGANIZATION

Senate Bill 158 by Senator Murray (Signed by the Speaker) provides for changes with regard to the Municipal Court of New Orleans. Current law provides that the judge having the most seniority shall become the senior and administrative judge during his tenure of office. It also provides that his salary shall be the same as provided for district court judges in the state, payable monthly on his own warrant, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The bill provides that such senior and administrative judge shall possess the same qualifications that are required of district court judges and shall receive a salary of not less than \$18,000 per annum, but not more than the salary paid, from all sources, to the district court judges in and for the parish of Orleans. It also provides that the governing authority of Orleans Parish shall determine the salary paid to the senior and administrative judge, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. The salary of the senior and administrative judge shall be payable monthly on his own warrant.

The bill also creates a judicial administrator for the Municipal Court of New Orleans and provides that he shall be appointed by the judges and subject to removal by a majority thereof, at will. It also provides for the adoption of rules and regulations necessary for governing the functions and duties of the judicial administrator. The bill further provides that the judicial administrator's salary and benefits shall be paid by the city of New Orleans on the warrant of the chief judge. If the city fails to pay the salary and benefits, they may be paid from the judicial expense fund of the court. It further provides that the judicial administrator shall retain all of the benefits of their office, including but not limited to, hospitalization coverage, retirement benefits, insurance benefits, and sick and annual leave benefits, and they shall be paid through the payroll system utilized by the city of New Orleans for its other employees.

Additionally, the bill creates the judicial expense fund for the Municipal Court of New Orleans, and it provides that the judicial administrator shall deposit into the fund any monies specifically designated for such purpose. It also provides that the judges of the court, en banc, shall have control over and administration of the funds which are annually appropriated or otherwise authorized under the law and all disbursements made therefrom. It further provides that the judges shall cause to be conducted an annual audit of the fund and the books and accounts, to be filed with the legislative auditor and available for public inspection. It also provides that the judicial expense fund may be used for operating expense of the court, including salaries for court reporters, bailiffs, minute clerks, and other court personnel and is in

addition to any and all other funds, salaries, expenses, or other monies that are provided, authorized, or established by law. It does, however, provide that no salary shall be paid from the judicial expense fund to any judges of the court.

Current law provides that the commission council shall provide suitable rooms, furniture and stationery for the Municipal Court of New Orleans, and the department of police of the city of New Orleans shall detail, subject to such rules as it may adopt, the necessary number of police officers to the court, to keep order and execute orders and decrees of the judges thereof. The bill provides that the city of New Orleans shall provide suitable rooms, furniture, stationery and other operating expenses for the Municipal Court of New Orleans, and the department of police of the city of New Orleans shall detail, subject to such rules as it may adopt, the necessary number of police officers to the court, to keep order and execute orders and decrees of the judges thereof.

Current law also provides that any defendant, other than an indigent, who pleads guilty or is convicted of an offense by the Municipal Court of the city of New Orleans shall be assessed costs not to exceed the sum of \$15.00, such costs to be in addition to any fine, clerk's fees or costs or any other fee or costs provided by law or sentence imposed by the court. It further provides that such costs shall be collected by the clerk of the court and remitted to the director of finance of the city of New Orleans, who shall deposit such sums in a bank or banks in the city of New Orleans in which deposits are insured or guaranteed by the federal government or any agency thereof. The deposits shall be credited to a special fund

to be designated as the Municipal Court Probation Department Fund which shall be administered by the city of New Orleans.

The bill provides that such costs shall be remitted to the municipal court judicial administrator, who shall deposit such sums in a bank or banks in the city of New Orleans in which deposits are insured or guaranteed by the federal government or any agency thereof. It also provides that the deposits shall be credited to a special fund to be designated as the Municipal Court Probation Department Fund which shall be administered by the judges of the municipal court. It becomes effective August 15, 2011.

Senate Bill 161 by Senator Quinn (Signed by the Speaker) relates to the 21st Judicial District Court. Current law provides that the court shall have nine judges. The bill maintains nine judges in the 21st Judicial District Court by abolishing the judgeship comprising Division H effective midnight, December 31, 2014, or at any earlier time upon such judgeship becoming vacant for any reason and creating a new judgeship effective January 1, 2015, or at any earlier time upon the judgeship in the former Division H becoming vacant. It requires that this new judgeship shall preside over Division J and provides that the subject matter for such division limited to family matters as provided by law. The creation of this judgeship does not affect any other judge of the district.

The bill also relates to the Civil District Court for the parish of Orleans. Currently, the law provides that until December 31, 2014, the judges of the Civil District Court for the parish of Orleans who are in office on July 1, 1979, shall create the

Domestic Relations Section of that court, by rule of court adopted on or before December 1, 1979, by the judges sitting en banc. The rule must designate not less than two incumbent judges who shall be assigned to the Domestic Relations Section in accordance with the rules of the Civil District Court for the parish of Orleans. The bill applies to the Civil District Court for the parish of Orleans or to the 41st Judicial District Court, whichever is applicable, and supersedes to the extent of conflict with any other provision of law. It provides that two divisions of the court shall have limited or specialized subject matter jurisdiction, and it provides that the subject matter jurisdiction of Division E shall be limited to family matters as provided by law, including the domestic relations matter set forth in law, effective January 1, 2015. The bill further provides that the first judgeship becoming vacant on or after March 1, 2012 shall as of January 1, 2015, be limited to family matters as provided by law, including the domestic relations matter set forth in law.

The bill also repeals certain provisions of current law relative to district courts in the parish of Orleans effective December 31, 2014. It provides that the individuals to be elected to the judgeships created in bill shall be elected for a six year term at the congressional election held in 2014, and every sixth year thereafter. However, if any of the divisions authorized by the bill is created earlier than January 1, 2015, the election to such division shall be for a term which shall end December 31, 2014, and for six year terms thereafter.

The bill provides that the judges and their successors created by it shall be elected at large and shall have jurisdiction throughout

the applicable district. It further provides that the judges and their successors created shall receive the same compensation and expense allowances, payable from the same sources and in the same manner, as are now or may hereafter be provided for other judges of the applicable district. In the Civil District Court for the parish of Orleans, or the 41st Judicial District Court, as applicable, the judges and their successors shall have the right to appoint a crier, stenographer, and minute clerk for their own division, and shall have the same staff and resources as other judges in that district court, who shall perform the same duties and receive the same compensation, payable in the same manner and from the same sources, as similar officials in other divisions of the court. The bill does not reduce the term of office or the jurisdiction of any other judge of the districts affected by the bill. It is effective upon signature of the governor or lapse of time for gubernatorial action.

House Bill 522 by Representative Rosalind Jones (Sent to the Governor) provides for the submission of court cost proposals to the Judicial Council of the Supreme Court of Louisiana. Current law provides that no law to provide for a new court cost or fee or to increase an existing court cost or fee shall be enacted unless first submitted to the Judicial Council for review and recommendation to the legislature.

The bill provides that the request shall be submitted to the council by January 15 of the year in which the proposal is intended to be introduced in the legislature, and requires the council to notify the legislature of its recommendation as to whether the court cost or fee is reasonably related to the operation of

the courts or court system, through the clerk of the House of Representatives and the secretary of the Senate, by March 15 of that same year. It further provides that it shall apply only to court costs or fees, or increases to an existing court cost or fee to be charged or collected by the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, or municipal courts. The provisions don't apply to mayor's courts, magistrate courts, or justice of the peace courts. It becomes effective August 15, 2011.

FEES/FUNDING

Senate Bill 31 by Senator Smith (Sent to the Governor) provides that in addition to the court costs authorized by current law the mayor, as the presiding officer of the court of the town of New Llano, may impose additional court costs not to exceed \$20 dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The bill becomes effective August 15, 2011.

Senate Bill 150 by Senator Martiny (Signed by the Speaker) provides with respect to the collection of certain fees by the clerk of court. Current law authorizes the sheriff and the district attorney to each charge a processing fee of \$50 for the expungement of any record of arrest when ordered by the court. The bill provides that the clerk of court shall collect the processing fee at the time the motion for expungement is filed. If the court finds the mover is entitled to the relief sought, the clerk shall direct the collected processing fee to the sheriff and the district attorney and the processing fee amount shall be remitted immediately upon receipt in equal proportions to the office of the district attorney and the

sheriff's general fund. The bill further provides that if the court does not grant the relief, the clerk of court shall return the processing fee to the moving party. The bill becomes effective August 15, 2011.

House Bill 38 by Representative Ritchie (Act 3) relates to the City Court of Bogalusa. It provides that the city prosecutor shall be entitled to court costs, not to exceed \$25, assessed against every defendant who is convicted after trial or after he pleads guilty to a traffic violation or misdemeanor. It further requires the sums collected to be remitted monthly by the clerk of court of the City Court of Bogalusa to the city prosecutor of the city of Bogalusa to be used in defraying the expenses of his office. It becomes effective August 15, 2011.

House Bill 52 by Representative Henderson (Act 4) provides for an increase in court costs for the Traffic Court of New Orleans. Current law authorizes all city courts in criminal matters, including traffic violation cases, to assess court costs in an amount not to exceed \$30 in addition to other fines and penalties. It further authorizes city courts, in addition to that \$30 fee, to assess \$15 as additional court costs in criminal matters if the office of the marshal has derived \$100,000 or more in revenues for the year 2004 and \$30 if the office of the marshal has derived less than \$100,000 in revenues for the year 2004.

Current law requires in all prosecutions in the Traffic Court of New Orleans, including all traffic violations other than parking, that there be taxed as costs against every defendant, who is convicted after trial or plea of guilty or nolo contendere or who forfeits his bond, the sum of \$5, which

is in addition to all other fines, costs, or forfeitures lawfully imposed and which is transmitted to the clerk of the Municipal Court of New Orleans to be used by the court to defray its expenses. The bill retains current law but provides for an additional court costs in an amount not to exceed \$30 and requires the monies to be transmitted to the judicial expense fund of the Traffic Court of New Orleans. It becomes effective August 15, 2011.

House Bill 60 by Representative Guillory (Act 6) relates to court costs in mayor's courts. Current law authorizes a mayor, as the presiding officer of a mayor's court, to impose court costs, not to exceed \$30 for each offense, on any defendant convicted of a violation of a municipal ordinance. The bill provides that if the local governing authority adopts an ordinance to increase court costs, the mayor may then order an additional \$75 to be paid as court costs by any defendant convicted of a violation. It becomes effective August 15, 2011.

House Bill 176 by Representative Armes (Act 116) relates to the City Court of Leesville. It requires the marshal of the City Court of Leesville to collect an additional fee of \$30 for service of process in traffic and criminal matters. It also requires the monies collected to be deposited in the marshal's general fund to supplement the operational expenses of his office and requires the funds to be subject to the marshal's annual audit, which shall be filed with the legislative auditor and made available for public inspection. It provides that these provisions do not affect the responsibilities of the city and parish governing authorities for otherwise financing the marshal's office of the City

Court of Leesville. It becomes effective August 15, 2011.

House Bill 224 by Representative Nowlin (Act 15) relates to the court costs in criminal cases in the 10th Judicial District Court. Current law provides, in part, that in addition to all other fees or costs, the clerk of court of the 10th Judicial District Court shall collect from every person filing any type of civil suit or proceeding, a sum to be determined by the judges which shall not exceed \$15, and that there shall be collected as costs against every defendant who is convicted after trial or after plea of guilty or who forfeits his bond, a sum which shall not exceed \$10 and which shall be in addition to all other fines, costs, or forfeitures lawfully imposed. The bill retains current law but increases the amount collected as costs against every defendant who is convicted after trial or after plea of guilty or who forfeits his bond in the 10th Judicial District Court from \$10 to \$15 in traffic offense cases and from \$10 to \$25 in all other criminal cases. It becomes effective August 15, 2011.

House Bill 407 by Representative White (Act 20) establishes a judicial building fund for the construction of a new courthouse for the 21st Judicial District Court in the parish of Livingston and provides for filing and recordation charges in civil matters. It becomes effective August 15, 2011.

House Bill 556 by Representative Foil (Act 23) increases court cost from \$2 to \$3 for use in the implementation of an integrated juvenile justice information system. Current law provides that in addition to other costs, a person convicted of a felony, a misdemeanor, or ordinance of any local

government, shall be assessed \$2 as a special court cost to be imposed by all courts and shall be used for the implementation of a master plan for the development of a trial court case management information system and for the fast-tracked prototype development of the criminal disposition component thereof. It also provides for the procedure by which the funds shall be deposited into and disbursed from the special Trial Court Case Management Information Fund. The bill increases the special court costs which shall be assessed from \$2 to \$3 for the implementation of an integrated juvenile justice information system. It becomes effective August 15, 2011.

Juvenile Justice

by: Michelle Ducharme
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LIFE WITHOUT PAROLE

Probably one of the most anticipated bills of the session relating to juvenile justice was **House Bill 115 by Representatives Armes and Wooton (failed house final passage)**. This bill attempted to bring Louisiana law in compliance with the United States Supreme Court ruling in *Graham v. Florida*, 130 S. Ct. 2011 (2010).

In *Graham*, the United States Supreme Court held that it is unconstitutional, in violation of the Eighth Amendment ban on cruel and unusual punishment, to sentence a juvenile to life without the possibility of parole when convicted of a non-homicide offense and required states to provide a meaningful and realistic opportunity for release.

House Bill 115 would have made any person serving a life sentence who was under the age of eighteen years at the time of the commission of the non-homicide offense eligible for parole consideration upon serving thirty-five years of the sentence imposed if statutory requirements had been met. The bill failed to pass the House of Representatives by a vote of thirty-nine to fifty-seven with nine members absent.

In response to the *Graham* decision and in light of the failure of House Bill 115, **Senate Concurrent Resolution 37 by Senator Martiny and Representative Honore (signed by the Speaker) and House Concurrent Resolution 98 by Representatives Honore, Leger, and Gary Smith (subject to call-house final passage)** were filed to direct the Louisiana State Law Institute to evaluate Louisiana law for compliance with the *Graham* decision and report its findings and recommendations to the Louisiana legislature as to whether it is necessary to amend the juvenile sentencing laws. The Louisiana State Law Institute's report is due to the legislature by January 1, 2012.

PROCEEDINGS

House Bill 124 by Representative Patricia Smith (Signed by the Speaker), also known as the "Christopher Vaughn Act", allows additional people to be present during a juvenile delinquency proceeding when the proceeding involves a violation of first degree murder, second degree murder, aggravated rape, aggravated kidnapping, armed robbery, negligent homicide, or vehicular homicide. In addition to the victim, the victim's spouse, children, siblings, and parents, proposed law



requires the court to allow the victim's grandparents, guardians, and legal custodians to be present at the adjudication hearing of the juvenile.

Senate Bill 272 by Senator Morrell (Sent to the Governor) provides relative to adjudication orders of delinquency. This bill allows a prior adjudication order of delinquency, whether felony grade or misdemeanor grade, to be used as a predicate offense for enhancement purposes in future juvenile delinquency proceedings.

JUVENILE JUSTICE REFORM ACT IMPLEMENTATION COMMISSION

During the 2003 Regular Session of the Legislature, the Juvenile Justice Reform Act Implementation Commission was created to conduct studies and make recommendations to the legislature with regard to juvenile justice reform. The commission worked towards enhancing the status of the juvenile justice system in Louisiana. Drastic improvements have resulted from the work of the commission, and this is evidenced by the United States Department of Justice releasing Louisiana from litigation and the department's oversight. Building on what the commission has accomplished thus far, Representative White and Senator Broome filed **House Concurrent Resolution 120 (filed with the Secretary of State)** to urge and request the Juvenile Justice Reform Act Implementation Commission to commission a study to assess the current state of the juvenile justice system, evaluate the improvements made to the system in the preceding five years, issue recommendations for a five year plan for juvenile justice reform, and submit a report of its findings and recommendations to the legislature thirty days prior to the convening

of the 2013 Regular Session of the Legislature of Louisiana.

JUVENILE JUSTICE DISTRICTS

House Bill 304 by Representative Pearson (Sent to the Governor) adds accountability in each regional juvenile district by requiring each district to provide sworn annual financial statements to the legislative auditor no later than ninety days following the close of the accounting year, unless an extension is granted because of a state of emergency. The legislation provides that if the legislative auditor determines that there has been a misuse of funds by the regional juvenile justice district or that the district has failed to comply with state and federal laws and regulations, he must report such improprieties to the Legislative Audit Advisory Council who shall then, after an independent determination, notify the district attorney and the governing authority of the affected parishes.

HUMAN TRAFFICKING

The human trafficking of children is a growing problem in this country, and this session the Louisiana legislature addressed this issue by filing two significant pieces of legislation.

House Bill 49 by Representative Leger and a host of representatives and senators (**Act 64**) amends the crime of human trafficking and trafficking of children for sexual purposes to add that it shall be unlawful for a person to knowingly maintain the use of another person in the human trafficking activity, to knowingly benefit from the human trafficking activity, or to facilitate any of the human trafficking activities by any means.

Senate Concurrent Resolution 58 by Senator Mount (pending Senate Concurrence) creates the Human Trafficking of Minors Study Group. This group is composed of representatives from various public agencies, private associations, and stakeholder groups to work in collaboration to study and make recommendations to the legislature of methods which may be utilized in an effort to eliminate human trafficking of minors in the state of Louisiana.



Labor/Employment

by: Mary O'Brien
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While this year's session was a "fiscal-only" session, several labor and employment issues continued to be topics for discussion at the capitol. Lingering from the 2010 session were the issues of illegal aliens working in Louisiana and the after-effects of the BP oil spill in the Gulf of Mexico. The issue of illegal aliens working in Louisiana narrowed to looking at employees of private companies that contract with public entities. The BP oil spill and its considerable affects on employment in the state, brought to the forefront the issue of employers' experience ratings, as well as those employers who repay the unemployment trust fund on a dollar-for-dollar reimbursement basis.

The Workers' Compensation Advisory Council again influenced much that was discussed in the Labor and Industrial Relations Committees of both houses. During the interim, the WCAC had discussed such issues as illegal aliens working in Louisiana, improving the functioning of the vocational rehabilitation process for injured workers, the Second Injury Fund and improving its applicability and use, and continuing the process of the medical guidelines for workers' compensation-related medical treatment. Committees of the WCAC worked throughout 2010 and into the 2011 Regular Session to bring to the legislature solutions that had been thoroughly vetted by the committees and the council as a whole.

The enactment of the medical guideline rules also drew the attention of the legislature this spring in the form of an extensive joint hearing on the rules by the Senate and House Committees on Labor and Industrial Relations, held in mid-May. While a hearing on department or commission rules and regulations is unusual during a legislative session, the time frame of the adoption of the medical guideline rules (which had been mandated by SB 303 2010RS) required a hearing before the end of May. The joint committees met and heard wide-ranging testimony for several hours regarding the guidelines. Because of the difficulty of maintaining a quorum during a busy legislative session, no vote was taken on the rules, allowing the promulgation process to proceed to a publication of the final rules in the June, 2011 *Louisiana Register*. It is hoped that these guidelines will facilitate treatment with much less litigation, in a much shorter time period, and also provide a statewide standard of care which will benefit all workers' compensation patients. With the considerable efforts of the medical professionals on the Medical Advisory Committee, the guidelines enjoyed widespread, although not unanimous, support from many in the medical community, as well as the disparate groups represented on the Workers' Compensation Advisory Council.

UNEMPLOYMENT INSURANCE AND BENEFITS

Experience Ratings and Reimbursement of Trust Fund

The BP oil spill of last spring and summer brought an unemployment issue to the minds of those who work with the trust fund. While BP was willing to repay the money paid for benefits, the sums paid out would continue be considered in an employer's experience rating, thus raising each affected employer's premiums going forward. **Senate Bill 121 by Senator Riser (Sent to the Governor)** provides an additional exception to the general rule of determining an employer's experience rating. The bill provides that if the responsible party or parties is a third party, as determined in accordance with the Oil Pollution Act, that party shall repay the Unemployment Trust Fund. The amount paid shall be a total of all regular and extended benefits paid to employees as a result of the act or omission of the responsible third party, and not the fault of the employer. The provision is remedial and is retroactive to January 1, 2010.

WORKERS' COMPENSATION

Second Injury Fund

With regard to the Second Injury Fund, the most contentious issue continues to be the Functional Capacity Evaluation and providing specific language to guide such evaluation that is acceptable to physicians, therapists, workers, and employers. No consensus was reached during many hours of discussions among WCAC members and interested parties. However, **House Bill 502 by Representative Ponti (Signed by the Speaker)** does allow the Second Injury

Fund to approve a sum, not to be more than one percent of the board's annual budget. The funds allocated to the Louisiana Rehabilitation Services Vocational Rehabilitation Program are to be used to assist potential employers and qualified employees with permanent partial disabilities. Other issues will continue to be discussed within the leadership of the WCAC.

GENERAL EMPLOYMENT ISSUES

Employment of minors

House Bill 303 by Representative Ponti (Sent to the Governor) sought to bring Louisiana law regarding the employment of minors in line with current federal law. Particular provisions include: (1) Adding a school identification and any other state-issued identification as acceptable proof of age; (2) Adding motion picture and television production to the list of exceptions to the requirement of display of an employment certificate for minors who are employed; and (3) Somewhat tighter requirements that constitute a violation of the rules for recreation and meal time for working minors, moving from a less than fifteen minute overage to ten minutes or less in determining what constitutes a "de minimis" variation.

Public contracts

While the issue of Project Labor Agreements (PLA) has not been greatly discussed in Louisiana, **Senate Bill 76 by Senator Martiny (Sent to the governor)** seeks to preemptively bar such contracts from being included in a public entity's request for proposals or the letting of any public contract.

Senator Martiny offered this legislation in keeping with Louisiana's more than thirty year tradition of being a right-to-work state.

Legislative Affairs

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LEGISLATIVE AFFAIRS

House Bill 375 by Representative Lorusso and Ligi (Sent to the Governor)

For any report that an agency is required to make to the legislature, removes the requirement that the agency send printed copies to the David R. Poynter Legislative Research Library. Instead, the bill authorizes the agency to send by electronic mail (e-mail) a list of available reports to one or more members of the legislature. Provides for the submission of certain information concerning agency reports and publications to the legislature and distribution of such information to the members of the legislature.

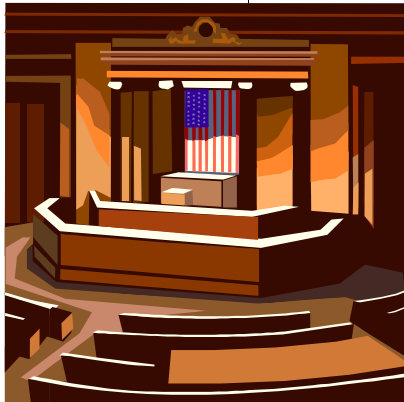
HOUSE AND SENATE RULES

House Resolution 27 by Representatives Geymann and Morris (Filed with the Secretary of State) Adopted House Rule 7.19 of the Rules of Order of the House of Representatives, requiring the favorable vote of at least two-thirds of the representatives present and voting to adopt a floor amendment which appropriates one-time money for ordinary recurring expenses and to adopt a motion authorizing the appropriation of one-time money for ordinary recurring expenses prior to any motion the effect of which is to finally pass an appropriation bill which appropriates one-time money for recurring

expenses. This Rule is sometimes referred to as "the Geymann Rule."

House Resolution 43 by Representative Ponti (Assigned to House and Governmental Affairs) Would have repealed the Geymann Rule.

Senate Resolution 66 by Senator Marionneaux (Assigned to Senate and Governmental Affairs) Would have provided a Senate version of the Geymann Rule.



House Resolution 80 by Representative Pearson (Filed with the Secretary of State) Amended House Rule 7.2(A) regarding prefiling to require bills relating to retirement to be prefiled no later than 5:00 p.m. of the 45th calendar day prior to the convening of a regular session. This mirrors Senate Rule No. adopted by the Senate in the 2010 Regular Session.

House Concurrent Resolution 4 by Representative Norton (Filed with the Secretary of State) Adopted Joint Rule 5 of the Senate and House of Representatives requiring that all ballot language for constitutional amendments shall be drafted in clear, concise, and unbiased language and be phrased in the form of a question. The Joint Rule specifies ballot language shall begin with the phrase "Do you support an amendment to".

Local Government

by: James Benton
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ECONOMIC DEVELOPMENT

Senate Bill 237 by Senator Willard-Lewis (Sent to the Governor) provides that plaza districts shall not have the power to levy any additional sales tax.

LOCAL AGENCIES

Senate Bill 78 by Senator Murray (Act 117) provides that the Housing Authority of New Orleans (HANO) may appoint and commission peace officers to enforce laws, rules, and regulations to protect persons, properties or interest relating to HANO. Further provides that the peace officers may carry weapons while in the performance of their duties and shall have regular police powers granted to law enforcement officers.

Senate Bill 124 by Senator Walsworth (Sent to the Governor) authorizes the Ouachita Parish Police Jury to prohibit the sales of certain animals along roadsides, in parking lots, and in other outdoor areas of the unincorporated areas of Ouachita Parish.

LOCAL FINANCE

Senate Bill 106 by Senator Perry (Pending Senate Final Passage) provides that the additional tax levied by the Vermilion Parish Tourist Commission may be repealed upon a simple majority of the entities adopting an ordinance or resolution after July 1, 2011 repealing the tax pursuant to current law. Any unused monies collected by the commission

prior to the repeal of the tax shall be allocated pursuant to current law.

LOCAL OFFICIALS

Senate Bill 20 by Senator Crowe (Act 43) provides that the elected chief of police in the town of Pearl River shall appoint, promote, discipline, and discharge police personnel subject to the budgetary limitations of the mayor and the board of aldermen.

MUNICIPALITIES

Senate Bill 17 by Senator Morrish (Act 40) exempts the city of Jennings from the qualifications required of a deputy chief of police in current law and sets forth that the qualifications for a deputy chief of police for the city of Jennings shall be not less than ten years of full-time law enforcement experience of which not less than two years shall be in the classified police service of the Jennings Municipal Fire and Police Civil Service at the time of appointment as deputy chief of police.

Senate Bill 118 by Senator Mills (Signed by the Speaker) creates the St. Martinville Downtown Development District in the parish of St. Martin. Provides that the district shall be governed by a seven-member board of commissioners. Requires the board to formulate a redevelopment plan for the district and to submit any plan to the governing authority of the city of St. Martinville for review. Additionally requires the board to formulate a program to implement any redevelopment plan. Requires that the

program implement the various plans in such a manner as to aid and encourage private development of the area and to promote and coordinate public development. Authorizes the board to conduct studies and to consult with all departments of the city of St. Martinville and other public or private agencies concerned with matters affecting or affected by the program. Authorizes the district to employ or contract with engineers, architects, attorneys, underwriters, and other professionals necessary for the financing and implementation of the construction, renovation, maintenance, or operation of facilities described in the redevelopment plan and to contract in accordance with law for the construction, renovation, maintenance, or operation of the facilities. Authorizes the district, subject to approval by the governing authority of the city of St. Martinville and the registered voters of the district, to levy an ad valorem tax not exceeding 10 mills for such number of years as may be provided in the proposition authorizing its levy for the purpose of planning, constructing, acquiring, operating, or maintaining public facilities contemplated by the redevelopment plan and for the operating expenses of the district. Authorizes the district, subject to approval by the governing authority of the city of St. Martinville and the registered voters of the district, to issue general obligation bonds in accordance with the provisions of present law for the purpose of constructing, acquiring, or improving any work of public improvement contemplated by the redevelopment plan.

Senate Bill 157 by Senator Amedee (Sent to the Governor) authorizes the Lamar-Dixon Expo Center to sell corporate sponsorships for the benefit of any of the facilities and structures located on the center's

property. Provides that any agreement involving corporate sponsorships for the benefit of the Lamar-Dixon Expo Center must provide that all royalty and other payments in consideration for such right be paid to the entity which owns the facility. Any such agreement shall be approved by the governing authority of Ascension Parish before it becomes effective.

Senate Bill 167 by Senator Cheek (Sent to the Governor) provides for the creation of the position of chief of fire support staff in the city of Shreveport by ordinance. The position shall be filled on a competitive basis and the right of selection, appointment, supervision, and discharge for such position shall be vested in the fire chief, subject to approval of the appointing authority. Provides that the governing authority shall establish the duties and responsibilities of the chief of fire support staff. Provides that the chief of fire support staff shall have not less than ten years of full time fire service experience and shall at least hold the rank of training officer, EMS officer, fire communications officer, fire prevention officer, emergency vehicle technician, chief of fire safety, administrative assistant to the fire chief, or aviation task force coordinator in the classified fire service at the time of his appointment. Provides that any person who is appointed from a position in the classified fire service to serve as chief of fire support staff shall not forfeit his seniority accumulated to the date of his appointment, and he shall continue to accumulate seniority in accordance with the provisions of present law during the time he holds the position of chief of fire support staff. Provides that if a chief of fire support staff is subjected to corrective or disciplinary action, he shall have the same rights as any other

employee in the municipal fire and police civil service.

PARISHES

Senate Bill 122 by Senator Amedee (Signed by the Speaker) authorizes the governing authority of the parish of Ascension to require or compel property owners to remove trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery or other metal, tin, or other discarded items on their property, when such items are being stored or kept in violation of any zoning or other regulatory ordinance. authorizes a collection fee for the sheriff of Ascension in an amount equal to 15% of the amount of such charges actually collected from the property owner.

PUBLIC CONTRACTS

Senate Bill 100 by Senator Murray (Act 51) provides that if a potential supplier wishes to submit a request for prior approval of a particular product other than a product specified in the public contract documents, he must do so no later than 14 working days prior to the opening of bids.

SPECIAL DISTRICTS

Senate Bill 129 by Senator Donahue (Sent to the Governor) provides that seven of the nine members of St. Tammany Hospital District No. 2 shall be residents of and shall be registered to vote in and have been residents and domiciliaries of Wards 6, 7, 8, or 9 of St. Tammany Parish for not less than two years prior to appointment and two members who are practicing medical staff members shall be registered to vote in and residents and domiciliaries of St. Tammany Parish. Allows the chief of the medical staff to appoint a

designee to serve on the board of commissioners of the St. Tammany Hospital District No. 2. Present law provides the chief of the medical staff shall not be prohibited from accepting employment with Slidell Memorial Hospital following expiration of his service on the board. Expands the provision to allow any licensed physician the ability to contract or accept employment with Slidell Memorial Hospital following the expiration of his service on the board.

Senate Bill 252 by Senator Erdey (Act 57) retains present law and authorizes the Livingston Parish Gravity Drainage District No. 6 to levy a sales and use tax not exceeding $\frac{1}{2}$ of 1% within the district. Provides that such tax shall be imposed by ordinance of the parish council and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution and storage for use or consumption, of tangible personal property, and upon the sales of services within the district, all as defined in present law. Provides that such tax shall be in addition to all other taxes currently levied in Livingston Parish. Provides that the proceeds of such tax will be used exclusively to acquire drainage works; rights of way for canals and ditches; flood prevention works; equipment and facilities necessary to construct, maintain, and operate outlets for the waters of the district; and to prevent flooding.

Senate Bill 261 by Senator Chaisson (Signed by the Speaker) makes an exception to current law which provides that all drainage districts will be governed and controlled by five commissioners to be known as the board of commissioners. The exception to current law for the Sunset Drainage District, provides that the St. Charles Parish Council may

replace the board of commissioners of Sunset Drainage District as the governing authority of the district by adopting an ordinance appointing and designating the St. Charles Parish Council as the governing authority of the district. Requires that at least two public hearings be held prior to each consideration of adopting the ordinance by the St. Charles Parish Council and requires at least one of the hearings be held at a location within the district. Further requires that the ordinance establish an effective date for the change in governance and for the delivery of records, accounts, and monies to the council.

Military/Veterans Affairs

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Death and Disability Benefits. This year two pieces of legislation were filed during the 2011 Regular Session that attempt to provide financial assistance to the wounded servicemen and women and the families of those who were killed in combat. **Senate Bill 1 by Senator Adley (Signed by the Speaker)** and **House Bill 143 by Representative Lorusso (Signed by the Speaker)** amend a law passed in 2007 that allows for lump sum payments for death and disability servicemen and their families. These identical bills entitle those qualified members of the armed services to receive these payments prior to the 2007 law and subsequent to September 11, 2001. Additionally the legislature passed **House Bill 232 by Representatives Lorusso and Bishop (sent to Governor)**, which amends the current tuition waiver that is granted by law to spouses of members of the national guard who are killed while serving in federal active duty. House Bill 232 extends this tuition waiver to also include the spouses and children of guard members who are killed in action while serving on state active duty.

Voter Registration and Procedures. In an effort to make sure that the men and women who are defending their country overseas are able to easily exercise their right to vote, the legislature passed **House Bill 524 by Representative Jane Smith (Sent to the Governor)**, which makes certain changes to voter registration and voting procedures to citizens living outside the U.S. The bill allows for submitting certain registration documents

electronically and allows for electronic ballots.

Veterans Honor Medals. After creating and instituting the Veterans Honor Medal Program in 2008, the legislature this year changed the process for distributing the medals to qualified recipients. The original program did not specify the means by which the Department of Veterans Affairs issued the honor medal. **House Bill 28 by Representative Edwards (Act 59)** specifies that the department must allow the recipient to choose whether they would like to receive their medal through the mail, a Department of Veterans Affairs parish office in the parish where the veteran resides, or by the governor during a special ceremony. The bill also specifies that the delivery of the honor medal must be within forty-five days of receipt of the application by the veteran.

Honor License Plates. In an effort to make displaying pride and support for our servicemen and women more accessible, legislators passed **Senate Bill 58 by Senator Adley (Act 48)**, which will remove the handling fee for the United States Armed Forces military honor license plate.

Honor and Remember Flag. Legislators this year created a new state emblem to honor those who have paid the ultimate sacrifice in serving their country. **House Bill 139 by Representative St. Germain (Sent to the Governor)** makes the

Honor and Remember flag an official state emblem of military service. The flag was designed by George Lutz, who lost his son in Iraq in 2005. It will serve as a visible reminder to all Americans of the lives lost in defense of our national freedoms and it will be displayed over the state capitol on Memorial and Veterans Day holidays.

Economic Impact. In 2002, the state commissioned a military economic impact analysis to take inventory and assess the value of the military presence in Louisiana and it was determined at the time that the impact of these installations amounted to more than seven billion in gross sales revenues. The state is home to Fort Polk, Barksdale Air Force Base, and the Air Station Joint Reserve Base, which are the first, fourth, and fifth largest employers, respectively, in Louisiana. The role these bases plays in the state continues to evolve. Fifty percent of all soldiers deployed to Afghanistan are now trained first at the Joint Readiness Training Center at Fort Polk, Barksdale Air Force Base was named as the headquarters of the Air Force Global Strike Command, and the Naval Air Station Joint Reserve Base in Belle Chasse remains one of the preeminent training locations for naval aviators in the U.S. Because of the constantly expanding nature of the role military installations play in the Louisiana economy, the legislature passed **House Concurrent Resolution 176 by Representative Edwards (Filed with the Secretary of State)**, which urges and requests the Louisiana Department of Economic Development to complete a thorough military economic impact analysis which includes an inventory of the current military presence in the state and the impact to the region that hosts each installation or major military operation.

Natural Resources

by: J.W. Wiley
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HUNTING

House Bill 169 by Representative Henry (Act 29) allows any person who is authorized to possess a firearm sound suppressor, as evidenced by payment and possession of the required federal tax stamp issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives, to use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver.

House Bill 294 by Representative Thibaut (Act 95) authorizes the Wildlife and Fisheries Commission to promulgate rules authorizing the trapping of feral hogs any time of year without a special permit. Also, the bill changes present law to require notification by the hunter to the parish sheriff within 24 hours prior to certain types of nighttime hunting on private property.

A couple of resolutions were filed requesting the Louisiana Wildlife and Fisheries Commission to add various firearms to the list of firearms authorized to be used during the special deer hunting season for primitive firearms. **House Concurrent Resolution 24 by Representative Lambert (Filed with the Secretary of State)** requests the Wildlife and Fisheries Commission to add rifles capable of firing .35 Whelen ammunition to the list of firearms authorized to use during the special deer hunting season for primitive firearms. **House Concurrent Resolution 77 by Representative Hoffman**

(Filed with the Secretary of State) requests the Wildlife and Fisheries Commission to study adding revolvers with a cylinder capacity of no more than six cartridges, either single or double action, .44 caliber minimum of a type manufactured prior to 1900 to the list of firearms authorized to use during the special deer hunting season for primitive firearms.

House Concurrent Resolution 96 by Representative Hoffman (Filed with the Secretary of State) request the Louisiana Wildlife and Fisheries Commission to study the deer bag limits established in its hunting rules and regulations.

FISHING

House Bill 75 by Representative Gisclair (Act 65) allows for the commercial taking by a cast net of live mullet outside the commercial season for the exclusive purposes of providing live bait.

House Bill 245 by Representative G. Jackson (Act 1) requires that during the period from May 1 to Oct. 31 each year, movement of oysters from harvest to refrigeration must take no more than five hours. The bill further repeals present law authorizing the Department of Health and Hospitals to grant an exemption from the National Shellfish Sanitation Program's *Vibrio parahaemolyticus* (Vp) and *Vibrio vulnificus* (Vv) management plans to harvesters and

dealers who have not been epidemiologically linked to a *Vp* or *Vv* oyster-related illness.

House Bill 293 by Representative Dove (Conference Committee Report received by the House) authorizes the Wildlife and Fisheries Commission to promulgate rules to manage recreational landings of fish species managed cooperatively with the Gulf of Mexico Fishery Management Council, and to require the use of a vessel monitoring system by oyster harvester vessels taking oysters from the natural public reefs or the public seed grounds or reservations. Senator Morrish amended this bill in order to help protect and sustain the public oyster seed grounds for the Calcasieu Lake area. The senator's amendments will prohibit oyster harvesting in Calcasieu Lake except by special permit issued by the Department of Wildlife and Fisheries and provides harvest limits for recreational fishermen on Calcasieu Lake.

House Bill 312 by Representative Chandler (Signed by the Speaker) authorizes the placement of hoop nets within 500 feet of an inlet or pass, water control structures, dams, or weirs in certain portions of Little River.

House Concurrent Resolution 81 by Representative Morris (Filed with the Secretary of State) requests the United States Congress to take such actions as are necessary to begin the process to designate Caddo Lake as a National Heritage Area.

In order to help protect and sustain the public oyster seed grounds for the Calcasieu Lake area, **Senate Bill 73 by Senator Morrish (Signed by the President)** would

have prohibited oyster harvesting in Calcasieu Lake except by special permit issued by the Department of Wildlife and Fisheries and provided harvest limits for recreational fishermen on Calcasieu Lake. Also, see information on **House Bill 293 by Representative Dove (Conference Committee Report received by the House)**.

Senate Concurrent Resolution 18 by Senator Morrish (Filed with the Secretary of State) requests the office of coastal protection and restoration and the Department of Wildlife and Fisheries to jointly study shoreline protection, effects of marine species diversity and habitat quality, and economic and other ecosystem service values of the Sabine Reef.

WATER & BOATING

House Bill 291 by Representative Lambert (pending conference committee) provides relative to certain crimes involving watercrafts, such as flight from an officer, careless operation of a watercraft, and operating a vehicle under suspension.

Senate Bill 48 by Senator Long (Sent to the Governor) provides for the membership of the Ground Water Management Advisory Task Force, for the powers and duties of the task force, and for the meeting requirements of the task force.

ENERGY & MINERALS

The contentious issue of "Legacy" lawsuits involved suits filed by landowners who leased their property to oil and gas companies for drilling and later sued for alleged contamination of their property. While the issue was addressed by Act 312 of the 2006 Regular Session of the Legislature, a

few bills were filed this year re-igniting the issue between landowners and oil and gas companies. The bills are as follows: **House Bill 563 by Representative Cortez (involuntarily deferred House Natural Resources)**, **House Bill 564 by Representative Seabaugh (pending House Natural Resources)**, and **Senate Bill 146 by Senator Adley (pending Senate Judiciary A)**. As noted, none of the bills advanced through the legislative process, but **House Concurrent Resolution 167 by Representative St. Germain (Signed by the Speaker)** requests the secretary of the Dept. of Natural Resources or his designee who is employed by a state agency, in consultation with the office of conservation, Dept. of Environmental Quality, and the attorney general, to study the remediation of "legacy" and orphaned exploration and production oilfield sites and to report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than Feb. 1, 2012.

LAND TRANSFERS

Numerous land transfer bills were filed during the session. The land transfer bills authorized certain state agencies to transfer state-owned property to local political subdivisions or to private individuals. The following are some of the land transfer bills: **House Bill 58 by Representative Ligi (Act 5)** (Jefferson Parish), **House Bill 77 by Representative Barras (Act 7)** (Iberia Parish), **House Bill 113 by Representative St. Germain (Act 28)** (Iberville, Union and Catahoula parishes), **House Bill 201 by Representative Armes (Act 13)** (Vernon and Jefferson Davis parishes), **House Bill 459 by Representative Abramson (pending conference committee)** (Orleans and Vernon

parishes), **Senate Bill 91 by Senator Long (Sent to the Governor)** (Natchitoches and St. Landry parishes).

MISCELLANEOUS

House Bill 64 by Representative B. Badon (Act 27) adds otter, muskrat, and mink to the list of nuisance animals able to be taken by crawfish farmers or landowners for destroying crawfish ponds. The bill also adds a .17 caliber rimfire rifle or a 12-gauge or smaller shotgun using nontoxic shot no larger than BB-sized to the list of firearms able to be used to take such nuisance animals.

House Bill 292 by Representative Morris (Sent to the Governor) provides for litter abatement and enforcement and education programs.

House Bill 474 by Representative Harrison (Sent to the Governor) requires that each member of the board of commissioners of a multi-parish fresh water district from any parish with a population between 23,100-23,700 persons be appointed by the governor.

A couple of bills were filed this year in order to address certain issues as nearly 35,000 acres of the 71,000 acres of property at the White Lake Wetlands Conservation Area begin to expire. The main difference between the two bills deals with public bid. **House Bill 557 by Representative Huval (assigned to Senate Natural Resources)** would not have required the White Lake acreage be put on public bid, but only gave the secretary of the Department of Wildlife and Fisheries the discretion to allow for public bid. **Senate Bill 119 by Senator Perry (Signed by the Speaker)** requires the secretary to public bid

the White Lake acreage.

House Concurrent Resolution 102 by Representative Dove (Filed with the Secretary of State) expresses the support of the La. Legislature for the request by the secretary of the Department of Wildlife and Fisheries to the U.S. Secretary of Commerce and the administrator of the Small Business Administration to declare a fisheries disaster in the state of La. as a result of the Mississippi River flooding and the opening of the Morganza and Bonnet Carre spillways.

Senate Bill 145 by Senator Claitor (Senate Adopted Conference Committee Report) provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coastline, and specifies that "3 marine leagues" is equal to 9 geographic miles or 10.357 statute miles.

Property

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COMMUNITY DEVELOPMENT

Senate Concurrent Resolution 75 by Senator Broome (assigned to House Municipal & Parochial Affairs) Creates the Housing and Transportation Planning and Coordinating Commission as an advisory committee within the office of community development of the division of administration with the primary purpose of advising the office in coordinating the integration of planning and spending by local governments, parish governing authorities, redevelopment authorities, and DOTD on housing and transportation needs. Requires that the commission recommend multiple modes of transportation and multiple types of housing developments to be planned so as to provide planned recreational growth, more fully integrated and livable communities, and effective spending of public funds for the betterment of life for Louisiana citizens.

Senate Bill 238 by Senator Peterson (assigned to Senate Finance) Requires legislative approval of certain contracts and action plans related to hurricane contracts. Provides authority and responsibility for the development of proposals and requirements for legislative approval to the division of administration, office of community development. Expands the provisions to the recovery from Hurricane Gustav and Hurricane Ike.

Senate Bill 239 by Senator Dorsey (assigned to Senate Local & Municipal

Affairs) Creates the "Innovation Park Development District" to provide for cooperative economic and community development.

House Bill 618 by Representative R. Jones (Signed by the Speaker) Adds the disaster recovery unit within the office of community development, division of administration, to the list of agencies from which a taxpayer may receive benefits which may be deducted from individual income tax.

House Bill 619 by Representative Leger (sent to the Governor) Creates the La. Sports and Entertainment District in New Orleans around the Superdome, within the boundaries of Poydras Street, Loyola Avenue, Girod Street, South Liberty Street, Julia Street, LeRouge Street, Howard Avenue, and South Claiborne Avenue; to provide for cooperative economic and community development and to enhance the development and improvement of properties, and to expand entertainment and leisure activities within the district. Further grants authority for issuing bonds and tax increment financing.

House Concurrent Resolution 144 by Representative Schroder (Subject to call-Senate floor) Urges and requests the state treasurer, the Department of Economic Development, and the Office of Financial Institutions to jointly study the feasibility of creating a state-owned or infrastructure bank and report any findings or recommendations

to the legislature prior to the start of the 2012 R.S.

EXPROPRIATION

House Bill 423 by Representative Howard (assigned to Senate Natural Resources) Provides relative to acquisition of property for wetlands mitigation associated with the Comite River Diversion Project. Provides that if property is acquired for compensatory wetlands mitigation in association with the Comite River Diversion Project, such acquisition shall be subject to a conservation servitude. Prohibits use of state or political subdivision funds for the expropriation of property for wetlands mitigation unless such expropriation is specifically approved in writing by the state or local sponsor following a determination that:

- (1) expropriation is necessary to clear title or
- (2) when the acquiring authority cannot amicably acquire the property from an otherwise willing seller because the owner has rejected an offer of the amount of the highest appraisal, and the expropriation process is necessary to obtain a judicial determination of just compensation.

Senate Bill 42 by Senator Walsworth (Signed by the Speaker) Repeals certain powers and duties of the city of Bastrop. Authorizes the city to acquire roads by quick taking for any municipal purpose. Removes provisions relative to the violation of regulatory ordinances. Prohibits any court from issuing an order declaring property taken if the petition for such order was filed by the city of Bastrop pursuant to present law, which allows Bastrop to acquire any municipal purpose ownership of property, authorizes the city to acquire such property by expropriation, purchase, gift, devise, or lease.

Senate Bill 85 by Senator Gautreaux (assigned to House Civil Law & Procedure)

Authorizes the governing authority of St. Mary Parish to expropriate by a declaration of taking property needed for a street, parish road or highway, drainage, flood protection, utility, or sewerage project. Requires approval of two-thirds vote of the parish council.

Senate Bill 208 by Senator Perry (Signed by the Speaker)

Provides relative to attorney fees, court costs, and expenses for unsuccessful or abandoned expropriation suits. Specifies the property owner shall be entitled to attorney fees and costs if the acquiring authority does not acquire at least fifty percent of the immovable property requested in the petition for expropriation or if the action is abandoned.

HOUSING

Senate Bill 269 by Senator Riser (pending Conference Committee) Creates the Louisiana Housing Corporation (LHC) and abolishes the boards of the Louisiana Housing Finance Agency and the Louisiana Land Trust and transfers these agencies to the LHC, as subsidiaries thereof. Further transfers all previous entities' responsibilities relative to providing access to decent, safe, sanitary, accessible, and affordable housing to the LHC, and provides for the organization, powers, duties, and procedures of the LHC.

IMMOVABLE PROPERTY

House Bill 135 by Representative (filed with the secretary of state) Constitutional amendment which prohibits the levy of new taxes and fees upon the sale or transfer of immovable property, including documentary transaction taxes or fees, or any other tax or fee by the state or by a political

subdivision after Nov. 30, 2011.

House Bill 368 by Representative Arnold (Sent to the Governor) Authorizes the Orleans Parish School Board to sell unused immovable school property to public bodies without the necessity of procedures otherwise provided by law, provided that the sale shall be for not less than the property's appraised value.

House Bill 371 by Representative Tucker (Senate Final Passage) Authorizes issuance of the Brownsfields Investor Tax Credit to an eligible taxpayer on Jan. 1, 2012, and ending Dec. 31, 2015, for investments in a state-certified site, which is an identified area of immovable property in the state, which a voluntary remediation action or voluntary remedial investigation concerning the presence or potential presence of a hazardous substance or pollutant is authorized by the secretary.

Senate Bill 22 by Senator Murray (Sent to the Governor) Provides relative to a "small succession" procedures and effects. Defines "small succession" as the succession or ancillary succession of a person who has died at any time, leaving property in Louisiana having a gross value of \$75K or less valued as of the date of death. Specifies that mortgages to secure funds are limited to the amount necessary to repair, reconstruct, and restore the immovable property. Provides that a co-owner in possession of small succession immovable property that is damaged by a declared disaster or catastrophe may receive and expend funds given to him by a public entity to repair, reconstruct, and restore the property.

Senate Bill 40 by Senator Morrell (Signed by the Speaker) Authorizes DEQ to grant transferable credits for the investigation or remediation of hazardous waste "brownsfields" sites on and after July 1, 2011, through December 31, 2013. Clarifies the credit may be granted to any public or private "entity" whether taxable or non-taxable, and specifically authorizes credits for the remediation of public parks, playgrounds, and other recreational areas.

Senate Bill 76 by Senator Martiny (Sent to the Governor) Prohibits public entities from requiring certain agreements related to labor organizations as a condition of bidding on contracts.

Senate Bill 172 by Senator Walsworth (Sent to the Governor) Authorizes certain state government entities to sell certain state-owned immovable property. Allows the secretary to sell certain state park lands and use the proceeds to acquire property to expand existing park areas in Union Parish, to add new facilities on existing park areas in that parish, or for general repairs and improvements to existing facilities on existing park areas within Union Parish.

PUBLIC PROPERTY

House Bill 219 by Representative S. Jones (Sent to the Governor) Provides for certain funds in the Atchafalaya Basin Conservation Fund to be used to purchase, from willing sellers, land in the Atchafalaya Basin.

House Bill 368 by Representative Arnold (Sent to the Governor) Authorizes the Orleans Parish School Board to sell unused immovable school property to public

bodies without the necessity of procedures otherwise provided by law, provided that the sale shall be for not less than the property's appraised value.

REAL ESTATE

House Bill 35 by Representative Stiaes (Passed the Senate) Provides for a sales and use tax exemption for sales of certain property to the "Make It Right Foundation".

House Bill 335 by Representative Brossett (Sent to the Governor) Relative to property sold at tax sales in the city of New Orleans. Requires a person redeeming abandoned or blighted property to reimburse the tax sale purchaser for the costs of improvements required to bring the property into compliance with municipal code ordinances. Provides that the failure to assess the property in the name of the tax sale purchaser shall not affect the validity of the tax. Further provides that the maximum amount of reimbursement is \$1,500 for abandoned property and \$3,000 for blighted property per year. Prior to reimbursement, requires a tax sale purchaser to file an affidavit and receipts in the mortgage records of the parish documenting the costs of the improvements within 60 days after receiving notice of redemption.

House Bill 348 by Representative Leger (Sent to the Governor) Increases the amount of the tax credit for the rehabilitation of certain residential structures and extends the taxable periods in which the tax credit applies. Provides a vacant and blighted owner-occupied residential structure may be located anywhere in Louisiana.

House Bill 349 by Representative Leger (subject to call-Senate final passage)

Extends the applicability of the tax credit for the rehabilitation of certain historic structures to Jan. 1, 2016.

SEIZURES /SALES

House Bill 410 by Representative Landry (assigned to House Civil Law & Procedure) Provides that a seizing creditor or a keeper appointed pursuant to the provisions of present law shall not be liable for any unpaid taxes arising from the operation of any business conducted on or from the seized property before its seizure.

Public Safety

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BICYCLES

House Bill 513 by Representative Williams (Sent to the Governor) is part of the "Share the Road" legislation. The legislation revises the law for bicycles and traffic movement. The bill requires certain reflectors and lamps be used on bicycles and changes the annual royalty fee for the "Share the Road" prestige license to a one-time royalty fee.



the manufacturer for proper use at least bi-monthly and requires the report to be submitted to the department of Public Safety and Corrections to be in the electronic format specified by the department.

CRIMES

House Bill 12 by Representative Templet (Signed by the Speaker) adds certain synthetic substances to the list of Schedule I Controlled Dangerous Substances.

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

House Bill 534 by Representative Carter (Signed by the Speaker) consolidates driver education programs under the auspices of the Department of Public Safety and Corrections, public safety services.

DRIVING WHILE INTOXICATED

Senate Bill 190 by Senator Erdey (Involuntarily Deferred in House Criminal Justice) creates the crime of first degree vehicular homicide.

House Bill 505 by Representative Champagne (Sent to the Governor) requires ignition interlock devices to be monitored by

House Bill 507 by Representative Landry (Sent to the Governor) provides an applicant will not be issued a "S" endorsement if he has certain convictions or violations relating to driving under the influence prior to the date of application for the "S" endorsement.

House Bill 638 by Representative White (Sent to the Governor) provides for the suspension of drivers' licenses upon arrest for vehicular homicide when chemical tests indicate the presence of alcohol or other substances.

EMERGENCIES

Senate Bill 181 by Senator Thompson (Sent to the Governor) provides a licensing exception for an operator of an emergency command post vehicle which meets the definition of a commercial motor vehicle, and who is employed by the governor's office of Homeland Security and Emergency Preparedness or a parish office of emergency preparedness. Such an operator is only required to have a Class "E" diver's license.

Senate Concurrent Resolution 3 by Senator Nevers (Filed with Secretary of State) memorializes Congress to enact laws to establish, implement, and ensure that universal communication is at all times available to warn the American people of imminent and impending dangers.

FIREARMS

Senate Bill 39 by Senator LaFleur (Sent to the Governor) repeals the provisions of law regarding the purchase of rifles, shotguns, and ammunition in states contiguous with Louisiana.

House Bill 14 by Representative Honore (Sent to the Governor) provides an exception to the crime of illegal carrying of weapons for judges and justices of federal courts domiciled in Louisiana when they are P.O.S.T. certified.

House Bill 413 by Representative Wooton (Involuntary Deferred in House Criminal Justice) authorizes the carrying of handguns on college, university, or post-secondary vocational-technical school campuses by individuals who possess a concealed handgun permit.

House Bill 489 by Representative Seabaugh (Sent to the Governor) removes the six-month residency requirement for a concealed handgun permit. The legislation defines a resident as a person who is legally domiciled in Louisiana and requires an individual to prove his legal domicile by providing a copy of a valid Louisiana driver's license or an official Louisiana identification card.

MOTOR VEHICLES

House Bill 243 by Representative Moreno (Sent to the Governor) removes the restriction which only allows for television receiver, screen, or other means of visually receiving a television broadcast to be located behind the driver's seat of a motor vehicle. The images will not be visible to the driver while the vehicle is in motion.

House Bill 278 by Representative Monica (Considered by House Transportation, Highways, and Public Works) requires all semitrailer and trailers to a loaded gross weight capacity of up to 10,000 pounds newly registered after January 1, 2012 to be equipped with an approved safety device.

House Bill 337 by Representative A. Badon (Considered by House Transportation, Highways, and Public Works) makes using a cellular device while operating a vehicle a secondary offense.

House Bill 338 by Representative Stiaes (Failed House Final Passage) prohibits operators of motor vehicles from using hand-held wireless communication devices.

House Bill 572 by Representative Barrow (Sent to the Governor) permits certain child care facilities to install child safety alarms in any vehicle used to transport children.

House Bill 583 by Representative Willmott (Sent to the Governor) prohibits operation of motor vehicles with after-market installed High Intensity Discharge headlights. The legislation prohibits the issuance of an

official certificate of inspection to the driver of vehicle in violation. First violation is a \$50 fine, and an additional \$25 fine for each subsequent violation.

PRISONERS

Senate Bill 182 by Senator Thompson (Signed by the Speaker) prohibits any offender who is incarcerated and who is sentenced to the legal custody of the department of Public Safety and Corrections from establishing and maintaining an account on a social networking website. Penalties include a fine of not more than five hundred dollars, imprisonment of not more than thirty days, or both.

House Bill 55 by Representative Thierry (Act 26) creates the crime of unlawful use or access of social media by certain convicted sex offenders. Upon first conviction, the penalty is a fine not more than ten thousand dollars and imprisonment with hard labor for not more than ten years without the benefit of parole, probation, or suspension of sentence. Upon a second or subsequent conviction, the penalty is a fine not more than twenty thousand dollars and imprisonment with hard labor for not less than five years nor more than twenty years without the benefit of parole, probation, or suspension of sentence.

Retirement

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SOCIAL SECURITY

House Concurrent Resolution 93 by Representative Hoffman (Filed with the Secretary of the State) and House Concurrent Resolution 94 by Representative Gary Smith (Filed with the Secretary of State) both memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans or funds. This resolution is specifically aimed at two different offsets which can reduce a Louisiana public employment retiree's or survivor's Social Security benefits, called the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). These offsets were enacted by the federal government in the late 1970s and early 1980s.

House Current Resolution 90 by Representative Austin Badon (Signed by the President) memorializes the Congress of the United States to issue cost-of-living adjustments for Social Security recipients.

PERMANENT BENEFIT INCREASES (PBI)

Senate Bill 10 by Senator Shaw (Pending to Senate Finance) relative to the Teachers' Retirement System of Louisiana would have eliminated certain "hurdles" that were put in place last year relative to the granting of permanent benefit increases for

retirees payable from the experience account. This bill was reported favorably by the Senate Committee on Retirement, however, it was deferred in the Senate Finance Committee.

RETIREMENT BENEFITS

House Bill 478 by Representative Montoucet (Sent to the Governor) relative to the Louisiana State Employees' Retirement System of Louisiana (LASERS) provides for additional accruals for certain adult probation and parole officers in the primary component. For those eligible, the accrual rate increases to 3% for accruals earned prior to July 1, 2011 and to 3 1/3% for accruals earned on or after July 1, 2011. Benefit enhancements are funded by the Adult Probation and Parole Retirement Fund.

SUSTAINABILITY

Senate Bill 12 by Senator Gautreaux (Assigned to Senate Retirement) would have created a second tier of benefits within the state and statewide retirement systems. Employers would have had the option of placing all of its employees into this new, less expensive tier. If the employer chose to place his employees in the new tier, employee contributions would have increased by .5% for non-hazardous duty employees and by 1% for hazardous duty employees, the final average compensation period would have been 5 years and members would have had to work longer in order to receive a normal retirement benefit.

The author deferred his bill in the Senate Committee on Retirement.

House Bill 332 by Representative Pearson (Signed by the Speaker) was brought forth to implement the recommendations of the Funding Review Panel in an effort to preserve the defined benefit plans for the three municipal retirement systems (Firefighters' Retirement System, Municipal Employees' Retirement System, and the Municipal Police Employees' Retirement System). The bill contains a new schedule of employee and employer contribution rates which results in employee contribution rates for the members of the Firefighters' Retirement System and the Municipal Police Employees' Retirement System to increase to 10% in the upcoming plan year. The bill also provides for a 15% anti-spiking provision within the three systems and adds 4 members to the board of trustees of the Municipal Police Employees' Retirement System.

Senate Bill 3 by Senator Butch Gautreaux (Sent to the Governor) provides for a new (less expensive) benefit structure for new hires in the Sheriff's Pension and Relief Fund. Benefit Structure for New Hires under the bill includes the following:

Final Average Compensation (FAC):

5 year FAC rather than a 3 year FAC.

Eligibility: 12 years at 62, or 20 years at 60, or 30 years at 55; rather than 12 years at 55 or 30 at any age.

Accrual: 3% rather than 3 and 1/3%. However, if a member works 30 years or more he will earn 3 and 1/3 (rewarding a career of service).

Provides for a 3 1/3% accrual for any member who is totally and permanently disabled or who dies in the performance of their official duties as a commissioned law enforcement officer as the result of a violent act or accident suffered during the pursuit, apprehension, or arrest of a criminal suspect.

Senate Bill 6 by Senator Butch Gautreaux (Sent to the Governor) relative to the Teachers' Retirement System of Louisiana (TRSL) requires an employing agency to pay its proportionate share of the system's unfunded accrued liability if it terminates participation in the retirement system.

House Bill 384 by Representative Pearson (Signed by the Speaker) is a Constitutional Amendment provides that a minimum of 10% of the nonrecurring revenue be applied toward reducing the balance of the unfunded accrued liability of the Louisiana State Employees' Retirement System (LASERS) and TRSL.

House Bill 435 by Representative Pearson (Sent to the Governor) is the enabling legislation for HB384 which provides that a minimum of 10% of nonrecurring revenue be applied toward reducing the balance of the unfunded accrued liability of the LASERS and TRSL retirement systems.

House Bill 495 by Representative Pearson (Sent to the Governor) relative to the Teachers' Retirement System of Louisiana provides that the state treasurer, beginning with the 2012-2013 FY, shall pay certain amortization payments directly to the retirement system rather than having these

funds flow through the MFP for those employers who opt into the program.

House Bill 530 by Representative Pearson (Assigned to Senate Retirement) began the process containing provisions which would have increased the employee contribution rates for members of the state retirement systems and changed the definition of average final compensation for calculation of benefits of active members. This bill would have transitioned active members from a three-year final average compensation (FAC) period to a five-year FAC and established a 5% anti-spiking limit. After being amended several times the bill in its final version only contained the transition to the five-year FAC period. The bill was deferred in the Senate Retirement Committee.

House Bill 479 by Representative Talbot (Subject to Call - House Final Passage) would have increased the employee contribution rates for certain members of the Louisiana State Employees' Retirement System (LASERS) by 3 percentage points.

PURCHASE OF SERVICE CREDIT

Senate Bill 9 by Senator Gautreaux (Signed by the Speaker) allows members of the Louisiana State Employees' Retirement System (LASERS) to purchase service credit for purposes of retirement eligibility. This was a recommendation of the Commission on Streamlining Government. The recommendation stated that the legislature should consider allowing members of LASERS to purchase service credit to be used for purposes of eligibility by paying the full actuarial cost. This bill also allows members who previously purchased service credit for benefit calculation purposes only to purchase

an upgrade of that credit so that it could be used for eligibility purposes as well as benefit calculation purposes. Members who take advantage of the opportunity to purchase credit for eligibility purposes and retire earlier than they would have without the purchase are responsible for any increase in their Office of Group Benefit premiums until such time as they would have been eligible to retire without such purchase.

House Bill 404 by Representative Ellington (Sent to the Governor) allows members of the Louisiana State Employees' Retirement System (LASERS) to purchase service credit for certain federal service by paying the full actuarial cost of the credit.

REHIRING OF RETIREES

House Bill 417 by Representative Cortez (Pending Conference Committee) expands the definition of "retired teacher", retirees who may receive a benefit during reemployment, in the Teachers' Retirement System of Louisiana (TRSL) to include retirees who are reemployed as substitute K-12 classroom teachers. Restricts earnings to a maximum of 25% of the members benefit annually and if earnings exceed such amount, the benefits are to be reduced by the amount in excess of 25%.

House Bill 150 by Representative Downs (Pending Conference Committee) expands the definition of "retired teacher" in the TRSL return to work law to include adjunct professors returning to active service allowing these rehired retirees to receive two checks.

House Bill 151 by Representative Hoffman (Sent to the Governor) expands the

definition of "retired teacher" in the TRSL to include any member who retired on or before June 30, 2010. Restricts earnings to a maximum of 25% of the members benefit annually and if earnings exceed such amount, the benefits are to be reduced by the amount in excess of 25%.

House Bill 369 by Representative Gary Smith (Pending Conference Committee) expands the definition of "retired teacher" in the TRSL to include a retired member who returns to active to teach in an adult education or literacy program administered through a K through 12. The bill provides that the earnings of any such person shall not exceed 25% of his retirement benefit in any fiscal year. If earnings exceed this amount, such person's retirement benefit will be reduced by the amount in excess of the 25%.

Revenue & Taxation

by: Riley Boudreaux
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The pieces of legislation which sparked the most interest in the 2011 Session in the Revenue and Taxation area were a constitutional amendment which the House of Representatives attempted to turn into a revenue-raiser (or an instrument which would prevent a revenue loss) and a Senate Bill which would have been an all-time revenue decrease.

As the constitutional amendment to dedicate a portion of Tobacco Settlement proceeds to the TOPS program in **SB 53 by Senator Alario (pending Conference Committee)** was debated in the House, an unusual amendment was added to it which amended the tobacco tax to remove the July 1, 2011 termination date of 4 cents of the tobacco tax on cigarettes found in the controversial **HB 591 by Representative Ritchie (vetoed by governor)** and dedicate the proceeds to the Health Excellence Fund.

This relatively small revenue continuation was dwarfed by the implications of **SB 259 by Senator Marionneaux (subject to call - House final passage)** which would have created a state commission (SCORE) to submit a written "plan" by January 6, 2012, to reduce and eliminate state individual income tax, recommend budget reduction actions, and reduce or eliminate tax benefits, and, if a concurrent resolution containing the "plan" was adopted by the Legislature in the 2012 Regular Session, then the phase-out of income tax over 10 calendar years beginning in 2014

would have begun and the governor and the commissioner of administration would have been directed to take certain budget reduction actions and submit budget reduction legislation.



The elimination of the income tax would have had such a dramatic long-term effect on the state budget, that it prompted much discussion and debate as to how the revenue loss could be offset.

One technical bill **House Bill 641 by Representative Rosalind Jones (pending Senate final passage)** is an attempt to force internet sellers to collect Louisiana sales tax on their sales, just as local retailers do.

Some incentives were modified during the Session. The Angel Investor Tax Credit Program was reduced from 50% of investment to 35% and limited to a non-refundable tax credit in **House Bill 597 by Representative Michael Jackson (pending House concurrence)**. In addition, **Senate Bill 135 by Senator Claitor (signed by the Speaker)** changes the research and development tax credit program to a "rebate"; decreases the program from December 31, 2013 to June 30, 2013; reduces the amount of the rebate by requiring all employees to be counted in the

size of the business, rather than only resident employees; and changes the calculation.

Although the reduction or elimination of tax benefits was another prominent offset topic, the Legislature still found it appropriate to provide relief to taxpayers and tax incentives to business, as follows.

Senate Bill 13 by Senator Marionneaux (sent to governor) removes the 50% cap on the deduction from taxable income of tuition and fees paid by a taxpayer for a dependent child to a nonpublic elementary or secondary school or to a public elementary or secondary lab school which is operated by a public college or university, making the deduction equal to the full amount paid up to \$5,000 per child.

Senate Bill 265 by Senator Riser (sent to the Governor) grants up to \$150 million of premium tax credits if insurance companies make \$200 million investments to funds which invest in businesses under the Louisiana Entrepreneurial Assistance and Development (LEAD) program.

Senate Bill 99 by Senator Morrell (sent to governor) authorizes the issuance of \$30 million more New Market Tax Credits.

Senate Bill 21 by Senator Riser (sent to governor) would grant a state tax exemption for water, mineral water, carbonated water, and flavored water sold in bottles, jugs, or containers for home consumption.

Senate Bill 255 by Senator Willard-Lewis (signed by the Speaker) would grant a refundable "residential energy efficiency tax credit" for 2012 and 2013 equal to 50% of the first \$25,000 of the aggregate cost of "qualifying residential energy efficient property" that is purchased and installed in the residence of those 65 and older who are income-eligible.

House Bill 629 by Representative Ellington (pending Senate final passage) authorizes the secretary of the Department of Economic Development to enter into a contract with an initial term of up to 20 years with "procurement processing companies" which locate business operations in the state and are engaged in managing the activities of "unrelated" "purchasing companies" that pay state sales tax, provided that the contract is determined by the Governor to be in the best interest of the state.

House Bill 456 by Representative Moreno (sent to the Governor) would extend the La. Enterprise Zone Act sales tax rebates and job credits to mixed use developments located near multimodal transit centers.

House Bill 319 by Representative Simon (Passed the Senate) would authorize a credit against individual income tax for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements.

Senate Bill 82 by Senator Dorsey (signed by the Speaker) would provide that the state sales or use tax shall not apply to consumer purchases of "breastfeeding items."

House Bill 508 by Representative Landry (Pending House Concurrence) would authorize a state sales tax exemption for the purchase and installation of certain adaptive devices for persons with orthopedic disabilities.

Senate Bill 112 by Senator Adley (Act 53) exempts parish councils on aging from paying state sales and use tax.

Senate Bill 254 by Senator Willard-Lewis (sent to governor) would exempt the sale of construction materials to the Make It Right Foundation from state and local sales tax when such materials are intended for use in constructing new residential dwellings in this state.

House Bill 247 by Representative Henry (sent to the Governor) exempts from state and local sales tax the sales of property and services sold by the sponsors of Jazz Fest.

Not only were new tax benefits granted, but many enacted with "sunset" dates were renewed and expanded, as follows:

Senate Bill 28 by Senator Nevers (sent to the Governor) extends employer's apprenticeship tax credit.

Senate Bill 63 by Senator Murray (sent to the Governor) extends the tax credit for the rehabilitation of historic structures.

Senate Bill 134 by Senator Claitor (signed by the Speaker) extends the Technology Commercialization Credit and Jobs Program and changes it from a refundable tax credit program to a "rebate" program.

Senate Bill 187 by Senator Long (Act 56) extends Cane River Heritage tax credit.

House Bill 282 by Representative Ellington (sent to the Governor) extends the state sales tax exemption for certain alternative substances used as fuel by manufacturers.

House Bill 348 by Representative Leger (sent to the Governor) extends the tax credit for the rehabilitation of certain residential structures (up to \$25,000 of credit per structure) and increases the amount of the credit to 25% for all rehabilitations except for blighted property, which gets a 50% credit.

House Bill 349 by Representative Leger (subject to call - Senate final passage) extends the tax credit for the rehabilitation of certain historic structures.

House Bill 592 by Representative St. Germain (Act 112) extends the period in which new applications for tax benefits pursuant to the Atchafalaya

Trace Heritage Area Development Zone may be approved.

House Bill 593 by Representative Jane Smith (assigned to Senate Revenue and Fiscal Affairs) extends the deadline for applications to receive tax credits or rebates under the La. Quality Jobs Program.

House Bill 371 by Representative Tucker (pending Senate final passage) and SB40 by Senator Morrell (signed by the Speaker) authorizes DEQ to once again grant transferable credits for the investigation or remediation of hazardous waste "brownfields" sites to local housing authorities which contract with a 3rd party to remediate a Brownsfield site and **SB 40 by Senator Morrell (signed by the Speaker)** grant the credits to any public or private "entity" if reimbursed by the receipt of federal funds.

Senate Bill 123 by Senator Martiny (signed by the Speaker) changes the Digital Interactive Media Producer Tax Credit to a refundable tax credit.

House Bill 632 by Representative Henry (sent to the Governor) provides a method for calculating the taxable income derived from broadcasting film and radio programming which is attributable to activity in La. which results in less tax than is being sought by the state in litigation of past tax years.

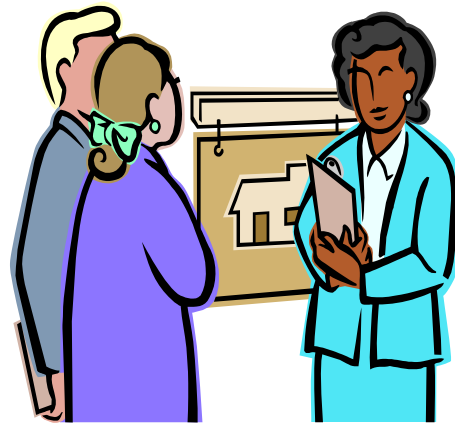
Social Services

by: Ann S. Brown
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2011 1st Extraordinary Session

CENSUS

House Bill 26 by Representative Barrow (Act 20) Legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by limiting the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census relative to the following type of social services:



Type of Social Service	Citation	Municipality affected by the new law
Ambulance service district – parishwide	R.S. 33:9053.1(A)	Bossier Parish
An event center	R.S. 33:4579(A)	St. Tammany
Location of a zoo	R.S. 33:9038.55	East Baton Rouge
Naming of a civic center theater	R.S. 33:4561.1	Monroe

2011 Regular Session

House Concurrent Resolution 50 by Representative Harrison (Filed with the Secretary of State) authorizes and requests the secretaries of the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS) jointly to prepare a plan for abolition of the two departments and the creation of a new consolidated Dept.

of Children, Family, and Health Services. Also specifies what information shall be included in the plan. The plan's purposes are to promote economy and efficiency in the operation and management of state health and social services functions.

Senate Bill 32 by Senators Broome, Claitor, Donahue, Murray and Willard-Lewis (Sent to the Governor) provides

relative to guardianship of children in need of care. Defines "guardianship" as the judicial placement of a child under the duty and authority of a guardian to make decisions in matters having a permanent effect on the life and development of the child. Sets forth requirements of guardianship, procedures and requirements for motions, hearings, orders, modifications and termination of guardianships. Also provides that in the performance of his duties the guardian will be liable for his own negligence, but, will not be vicariously liable for his ward.

PUBLIC FUNDS

Senate Bill 259 by Senator Marionneaux (subject to Call-House Final Passage) creates the State Commission on Revenues and Expenditures (SCORE) and requires it to submit a written plan, by January 6, 2012, which includes the reduction and eventual elimination of state personal and corporate income taxes. The plan shall also include recommendation of budget reduction actions and reduce or eliminate tax benefits. Requires the legislature to consider the plan at the 2012 Regular Session in a concurrent resolution and permits the legislature to modify the plan or adopt the resolution. If the resolution is adopted, the plan in the resolution is considered "adopted" and the phase-out of income tax over 10 calendar years will begin in 2013. The governor and commissioner of administration are directed to take certain budget reduction actions and submit budget reduction legislation.

House Bill 15 by Representative Richard (subject to call-Senate Final Passage) provides for a 10% reduction in the total dollar amount for professional, personal, consulting, and social services contracts under

the jurisdiction of the office of contractual review for FY 2011-2012.

Senate Bill 242 by Senator Appel (Signed by the Speaker) provides relative to public contracts. Requires the recording of certain public works, materials, and supplies contracts. Also requires recording of certain amendments, revisions, and change orders for such contracts. Increases the fines and criminal penalties for the splitting of profits, fees, and commissions on such contracts. Further, clarifies that the prohibition also applies to political subdivisions, and that the contract itself is a public record.

State Government

by: Dawn Watson
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PUBLIC CONTRACTS

Several bills were introduced this session re-evaluating and amending how the state conducts its business in the letting of contracts for capital projects and in the purchase of goods or services. A few bills that received a lot of attention include **Senate Bill 76 by Martiny (Sent to Governor)** which prohibits public entities from requiring certain agreements related to labor organizations as a condition of bidding on projects and **House Bill 342 by Edwards (sent to the Governor)** which provides for the verification of citizenship of employees engaged in contracts related to public works.

There were bills providing preferences in state purchasing for domestic products. **House Bill 573 by Representative Willmott, et al (Sent to Governor)** provides a preference for products manufactured in the United States provided certain criteria is satisfied including that the U.S. vendor's bid is not more than 5% more than an outside the U.S. vendor's bid and the U.S. vendor agrees to sell the items at the same price as the lowest bid offered. **Senate Bill 196 by Senator Marionneaux (Pending Conference Committee)** provides a preference for steel pipe manufactured in Louisiana when the cost is not more than 10% of the cost of steel pipe outside of Louisiana.

Providing transparency in the process, **House Bill 449 by Representative Abramson (Sent to the Governor)** prohibits

a public body from going into executive session to discuss the awarding of a public contract.

Recognizing recent economic times, **House Bill 378 by Ellington (Sent to Governor)** provides that any public entity failing to make any progressive stage payments arbitrarily or without reasonable cause, or any final payment when due, shall be subject to mandamus to compel the payment of the sums due under the contract up to the amount of the appropriation made for the award and execution of the contract.

Finally, **House Bill 15 by Richard (subject to call-Senate Final Passage)** would have required at least a 10% reduction in the total dollar amount for all professional, personal and consulting service contracts for Fiscal Year 2011-2012. Would have provided for periodic reporting of the office of contractual review to the Joint Legislative Committee on the Budget and a process for exceptions.

GOVERNMENT ORGANIZATION

There was a bill and also a resolution to fundamentally change or prompt discussion of a fundamental change in the organizational structure of state government. **Senate Bill 249 by Riser (Substitute Adopted on the Senate Floor-became SB 269)** would have created the Louisiana Housing Corporation (LHC). LHC would have replaced the Louisiana Housing Finance Agency and the

Louisiana Land Trust. In addition, housing programs within the Division of Administration - Disaster Recovery Unit and the Department of Children and Family Services would have been transferred to the newly constituted LHC. The bill was heavily amended in committee and reported by substitute to the Senate Floor.

House Concurrent Resolution 50 by Harrison (filed with the Secretary of State) requests the secretaries of the Department of Health and Hospitals and the Department of Children and Family Services to jointly study the consolidation of the two departments into one department for the purpose of promoting economy and efficiency in the operation and management of the functions of the state relative to health and social services while improving the quality of the functions performed and the programs and services rendered. Provides that a report on the study's findings shall be submitted to the legislature no later than the end of this year.

STATE SYMBOLS

Louisiana will have three new symbols from this session. **House Bill 139 by St. Germain (Sent to Governor)** made the Honor and Remember flag the official state emblem of military service and **House Bill 246 by Simon (Sent to Governor)** made agate the official state mineral and cabochon cut gemstone, derived from the *Crassostrea virginica* mollusk predominantly found in the waters of coastal Louisiana, as the official state gemstone.

STATE BUILDINGS AND GROUNDS

This session included a few bills specifically relative to state buildings and grounds. **House Bill 313 by Simon and**

Barrow (Sent to Governor) provides that state-owned buildings, educational institutions and office buildings which are constructed, renovated, or remodeled in whole or in part by the use of state funds, or funds of any board, commission, agency or department of the state shall provide suitable accommodations for breastfeeding and lactation.

Senate Concurrent Resolution 16 by Walworth (subject to call-Senate Floor) and House Bill 277 by Williams, Arnold, Geymann and Jane Smith (assigned to Senate & Governmental Affairs) would have authorized a monument displaying the Ten Commandments on the state capitol grounds.

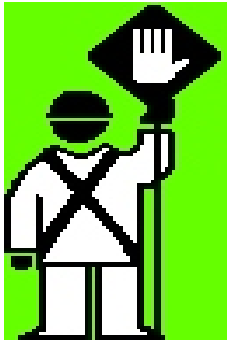
STATE OFFICIALS AND EMPLOYEES

While there were several high profile bills debated during the session either regarding or affecting state officials and/or state employees, two bills which may not be covered under other topics include **House Bill 203 by Geymann (assigned to Senate Finance)** which would have required legislative approval for any state official or employee to receive compensation in excess of 120% of the salary authorized by law for the governor. The current salary of the Governor is \$130,000; therefore, a salary of \$156,000 or greater would need legislative approval through a concurrent resolution during session or by the Joint Legislative Committee on the Budget during the interim for approval. The legislation provided exceptions from legislative approval for classified employees and for certain specified unclassified positions such as physicians, professors, and coaches.

The other bill is **House Bill 306 by Richard et al (assigned to Senate Finance)** which would have required a reduction in the number of positions in the executive branch of state government. Specifically, the bill would have required a reduction of 5,000 positions during each of three successive fiscal years, beginning with the fiscal year beginning as July 1, 2011, and would have required a reduction in personnel expenditures of at least \$5 million by June 30, 2013.

PUBLIC RECORDS

Legislation that got a lot of attention this session was **Senate Bill 57 by Adley (subject to call-Senate Final Passage)** regarding the records of the governor's office. The legislation specifically provided that the records of the office of the governor relative to fiscal or budgetary matters is a public record. The bill also provided that the governor's schedule (his meetings and transportation thereto) would be made public no later than seven days following an event. The bill required the governor's office to preserve all records which would become public ten years after the record was created.



Transportation & Development

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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Aviation

The Aviation Trust Fund of approximately \$29 million annually is distributed per the Airport Construction and Development Priority Program in R.S. 2:801, et seq. This is the second year that the Baton Rouge Airport has attempted to establish the "Air Service Fund" and divert \$9 million from construction projects to incentives to attract air service. This issue is subject of Attorney General Opinion 10-0228 issued January 13, 2011.

House Bill 302 by Representative M. Jackson (Assigned to House Transportation, Highways, and Public Works Committee) creates the "Air Service Fund" within the Aviation Trust Fund, whose revenue source is the four (4%) sales tax on aviation fuels and which is a sub-account of the Transportation Trust Fund and exempts such fund from certain application requirements of the Airport Construction and Development Priority Program. The bill requires the state treasurer to credit the fund with \$9 million and provides that unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund, not to exceed \$30 million.

House Concurrent Resolution 132 by Representative M. Jackson (Assigned to Senate Transportation, Highways, and Public Works Committee) urges and requests DOTD to study and make recommendations relative to enhancing air service options to all markets within the state, as well as exploring the feasibility and benefits of the state providing financial assistance or incentives to the air service industry and to report the findings of the study no later than February 1, 2012. A study entitled "Feasibility Assessment & Structural Recommendations: Statewide Air Service Incentive Program" and prepared by the BoydGroup International on behalf of the Aviation Section of DOTD was released in April, 2011.

Senate Bill 160 by Senator Michot (Sent to Governor) dealing with the safety of transportation of offshore oil platform workers directs the director of aviation of the aviation section of DOTD to participate in education, communication, and promotion of aviation safety in the offshore oil and gas industry; to request membership to the Helicopter Safety Advisory Conference; "Jacob's Law".

Crescent City Connection Bridge, New Orleans

Tolls on the Crescent City Connection Bridge expire in December 2012 per R.S. 47:820.5. Several instruments address the

issue of whether or not to re-authorize tolls used by DOTD to fund operation and maintenance of the bridge including the CCCD police force and subsidize operation of three Mississippi River ferries associated with the bridge and the future of the Crescent City Connection Division of DOTD. Debt service outstanding for the Crescent City Connection Bridge as of May 31, 2011, is \$4,749,797. Final payment of debt service on outstanding bonds is November, 2012.

House Bill 551 by Representative Connick (Assigned to House Transportation, Highways, and Public Works Committee) terminates the Crescent City Connection Oversight Authority and creates the Crescent City Connection Commission composed of eight persons appointed by the governor from names submitted by eight local business and civic organizations to advise and recommend to the secretary of DOTD relative to future operations and management of the CCCD.

House Resolution 106 by Representative Connick (filed with the Secretary of State) authorizes and requests the legislative auditor to conduct a thorough investigation into the irregularities involving certain contracts and projects at the Crescent City Connection.

Senate Bill 179 by Senator Heitmeier (Assigned to Senate Transportation, Highways, and Public Works Committee) terminates the Crescent City Connection Oversight Authority and creates a board to operate and manage the Crescent City Connection Division of the Department of Transportation and Development effective July 1, 2011.

Senate Concurrent Resolution 47 by Senator Heitmeier (Pending Senate Concurrence) creates the Task Force on the Crescent City Connection and an Advisory Panel to Task Force on the Crescent City Connection.

Highway Funding

House Bill 228 by Representative St. Germain (Act 85) adjusts the method to determine certain truck registration fees maintaining a \$10 tax for Class 1 trucks under 6,000 lbs. and establishing a uniform tax rate of \$28 for Class 1 trucks between 6,001 and 10,000 lbs. and establishing a staggered 4 year renewal period.

House Bill 238 by Representative Lambert (passed the Senate) provides relative to deposits into the State Highway Improvement Fund. Monies in the fund are to be used exclusively by the Dept. of Transportation and Development for funding projects for roads in the state highway system which are ineligible for federal funds. The bill deletes reference to deposits of motor vehicle registration fees into the state general fund and removes the restriction that only the license fees on trucks and trailers are deposited in the fund. Effective July 1, 2012.

House Bill 370 by Representative J. Smith (Signed by the Speaker) authorizes the State Bond Commission to issue unclaimed property bonds for the completion of I-49. Debt service to be paid from the Unclaimed Property Leverage Fund. \$15 million is appropriated annually to the fund to complete I-49 allocating \$7.5 million to I-49 North and \$7.5 million to I-49 South.

The department reports a \$12.5 billion dollar backlog of highway projects. To date, additional revenue to address the backlog remains an outstanding issue despite extensive initiatives and efforts by Representative Hollis Downs, the Associated General Contractors, and the Good Roads Association in proposing **House Bills 483 and 546**.

House Bill 483 by Representative Downs (Constitutional Amendment) (Assigned to House Transportation, Highways, and Public Works Committee) increases the motor vehicle license tax on private automobiles and establishes the Transportation and Infrastructure Growth of Economy through Roads (TIGER) Fund. The increase, subject to a vote of the people, proposed increasing the basic motor vehicle license tax from \$10 to \$30.

House Bill 546 by Representative Downs (Assigned to House Transportation, Highways, and Public Works Committee) increases the minimum annual registration or license tax on private passenger vehicles and trucks, tandem trucks, truck-tractors, semitrailers, and trailers and dedicates the revenue to the TIGER Fund.

Senate Bill 192 by Senator Jackson (Assigned to Senate Finance Committee) proposed creation of the Driving by 2012 Fund as a special treasury fund and provides that money appropriated to the fund by the legislature shall be deposited in the fund and dedicated for the purpose of constructing an additional lane and completing construction of I-49 in Shreveport.

Senate Bill 233 by Senator Michot (Assigned to Senate Finance Committee) provides for the establishment of the Louisiana Infrastructure Bank for the financing of eligible infrastructure projects. President Obama continues to propose establishment of a National Infrastructure Bank to finance infrastructure projects and encourage private participation.

Levees

House Bill 334 by Representative Champagne (Sent to the Governor) creates the Vermilion Parish Levee, Hurricane Protection, and Conservation District.

House Bill 475 by Representative Lorusso (Pending Conference Committee) revises the jurisdictional limits of the West Jefferson Levee District and the Lafitte Area Independent Levee District. Requires sale proceeds of certain assets of the Orleans Levee District pay certain outstanding debts.

House Bill 640 by Representative Billiot (Pending Conference Committee) revises the jurisdictional limits of the West Jefferson Levee District and the Lafitte Area Independent Levee District; prohibits mooring of vessels within 180 feet on federally funded levees and levees recognized by the Office of Coastal Protection and Restoration during periods of high water and increases fines for violation.

House Concurrent Resolution 146 by Representative Champagne (Assigned Senate Transportation, Highways, and Public Works Committee) requests the Department of Transportation and Development and the Office of Coastal Protection and Restoration to study the

feasibility of creating a regional levee district made up of the parishes of Vermillion, Iberia and St. Mary.

Mass Transit

House Concurrent Resolution 131 by Representative Harrison (Adopted in House Concurrence) creates the Human Services Coordinated Transit Work Group, led by the Department of Transportation and Development, with active support and leadership commitment from both public and private stakeholders to improve mobility, optimize efficiencies, and manage costs of transit and para-transit services for both able-bodied and disabled persons.

House Bill 622 by Representative M. Jackson (Assigned to House Municipal, Parochial and Cultural Affairs Committee) authorizes a political subdivision within a federal ozone non-attainment area to levy ad valorem tax for support of public transportation. Likely, an attempt to raise funding for CATS in Baton Rouge.

House Bill 623 by Representative M. Jackson (Assigned to House Municipal, Parochial and Cultural Affairs Committee) authorizes a political subdivision within a federal ozone non-attainment area to levy sales and use taxes for support of public transportation. Likely, an attempt to raise funding for CATS in Baton Rouge.

Names Highways and Bridges

House Bill 87 by Representative Barras (Sent to Governor) designates Jefferson Street bridge on LA 3156 in Iberia Parish a "Joe Daigne Memorial Bridge".

House Bill 164 by Representative Hill (Sent to Governor) designates a section of LA 113 from the intersection of LA 10, for 3.9 miles, to the Occupy II Baptist Church as the Staff Sergeant Robert "Pete" Sweat Memorial Highway; designates that section of LA 18 between its intersection with US 90 east to its intersection with LA 541, in Jefferson Parish, as "Seven Oaks Boulevard".

House Bill 166 by Representative Hoffman (Sent to Governor) designates section of LA 34 as "Corporal J. R. Searcy Memorial Highway"; designates section of US 51 as "Trooper Rudolph H. Miller Memorial Highway"; designates section of LA 118 as "Louisiana Maneuvers and Purple Heart Memorial Highway"; designates section of LA 749 as "Griffin Pat Miller Memorial Highway"; designates highway overpass on US 165 in Allen Parish in town of Kinder as "Staff Sergeant William Francis 'Bill' Manuel Memorial Overpass".

House Bill 200 by Representative McVea (Sent to the Governor) retains the name of the \$409 million Mississippi River Bridge near St. Francisville constructed under the TIMED program and recently opened to traffic due to Mississippi River flooding as the John James Audubon Bridge, names the east approach to the bridge on LA 10 in West Feliciana Parish as "General Robert H. Barrow Memorial Approach", and names the west approach to the bridge on LA 10 in Pointe Coupee Parish as "General John A. Lejeune Memorial Approach". DOTD is to erect information historical monuments at appropriate sites within the vicinity of the approaches memorializing the achievements of the generals and their respective relationship to the parishes of West Feliciana

and Pointe Coupee.

House Bill 370 by Representative J. Smith (Signed by the Speaker) designates the first I-49 North Section constructed with Unclaimed Property Leverage Fund Bonds the "Alvin B. Kessler Memorial Highway".

House Bill 565 by Representative Dixon (Sent to Governor) designates KCS underpass on US 165 in Rapides Parish as the "Fred H. Baden Underpass".

House Bill 637 by Representative Doerge (Substitute for House Bill 252) (Sent to Governor) designates the Boom or Bust Byway as a LA Byway, indicating certain highways on this route in Caddo, Bossier, Webster, and Claiborne parishes and designates the Dixie Overland Byway as a LA Byway, indicating certain highways on this route in Lincoln, Ouachita, Richland, and Madison parishes.

Parish Transportation Fund

Senate Bill 132 by Senator Erdey (Sent to Governor) provides for application of the latest federal decennial census in determining population classes regarding distribution of appropriation to parish roads in the Parish Transportation Fund and maintenance of certain highways and DOTD facilities.

Reorganization/Streamline

House Bill 250 by Representative Morris (Pending Conference Committee) reorganizes the DOTD. The bill renames the office of planning and programming as the office of multimodal planning and its assistant secretary, eliminates the office of public works and intermodal transportation, and

eliminates the assistant secretary of public works and intermodal transportation and transfers functions relating to public works of the state related to flood and drainage control, reclamation, water resources, soil conservation, mapping, disaster relief, and the National Flood Insurance Program under the auspices of the office of engineering, and transfers duties of the office of public works and intermodal transportation relating to aviation, public transportation, public mass transit, and railroad and water transportation system under the auspices of the office of multimodal planning.

Further, the bill creates the Housing and Transportation Planning and Coordinating Commission as a 15 member advisory committee within DOTD to advise the office of community development in the division of administration in coordinating the integration of the planning and spending by local governments, parish governing authorities, redevelopment authorities, and the DOTD on housing and transportation needs. See also, **Senate Bill 125 by Senator Broome (Assigned to Senate Committee on Transportation, Highways, and Public Works)** establishes and provides for Housing and Transportation Planning Commission and **Senate Bill 269 by Senator Riser (Pending Conference Committee)** creates the Louisiana Housing Corporation.

House Bill 254 by Representative Morris (Sent to Governor) repeals definition of "scheduled purchasing" and present law which provides for purchasing by DOTD to be scheduled to the extent practicable by the secretary acting through the assistant secretary offices of DOTD.

House Bill 475 by Representative Lorusso (Pending Conference Committee) increases from one to two the members appointed to the Non-Flood Protection Asset Management Authority by the Southeast Louisiana Flood Protection Authority-East. Also, revises membership of authority to add appointments by state senators representing Senate Districts 1, 3, 4, 5, and 7, state representatives representing House Districts 94, 97, 100, and 101, and United States Congressional District 2. This Authority created as a state authority within DOTD ceases to exist on January 1, 2012, and becomes a political subdivision with the same name on January 1, 2012.

House Bill 540 by Representative Aubert (Sent to Governor) revises DOTD's Small Engineering Consultant Program to allow engineering firms in business for less than 2 years to participate in the program.

House Bill 639 by Representative Smiley (Sent to the Governor) (Substitute for House Bill 584) proposed to abolish the Mississippi River Bridge Authority (MRBA) and transfer of its functions to the Crescent City Connection Division of DOTD; MRBA sold bonds for the Crescent City Connection Bridge and receives 50% of Highway Fund 2, until payment of outstanding debt service; proposed abolishment deleted pending retirement of bonds; secretary of DOTD has absolute control of MRBA under existing law.

Also, abolishes the board of commissioners of the Offshore Terminal Authority within DOTD and transfers its functions which promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage,

maintain, and modify offshore terminal facilities within its jurisdiction to its executive director who shall be appointed by the governor.

Signs and Signals

House Concurrent Resolution 42 by Representative R. Jones (Filed with Secretary of State) requests DOTD to install a traffic signal at the intersection of US 165 and Richwood Road No. 2 in Ouachita Parish.

House Concurrent Resolution 113 by Representative Bishop (signed by the Speaker) requests DOTD to place LOGO signage in New Orleans.

Two bills were filed to address the continuing issue of photo enforcement of traffic signals and speed. Neither advanced.

House Bill 347 by Representative Arnold (Assigned to House Municipal, Parochial and Cultural Affairs Committee) requires voter approval before local governing authorities may impose civil fines for traffic violations captured by automated traffic enforcement systems.

Senate Bill 75 by Senator Martiny (Assigned to Senate Local and Municipal Affairs Committee) restricts local governments from using electronic vehicle speed enforcement systems.

Traffic

House Bill 76 by Representative Hutter (Sent to Governor) permits movement of oversized vehicles and loads up to 16 feet in width on interstate highways if the movement does not endanger the public with a special permit issued by DOTD and

limits speed of such permitted vehicles to 55 m.p.h.

House Bill 249 by Representative Guinn (Sent to the Governor) authorizes golf carts to cross US 90 and La 99 within the town of Welsh.

House Concurrent Resolution 119 by Representative St. Germain (Filed with the Secretary of State) requests DOTD to reverse certain work performed on the Interstate 10 Mississippi River Bridge in West Baton Rouge. The DOTD reported that it will comply.

House Bill 513 by Representative Williams (Sent to the Governor) revises lighting safety requirements for bicycles to require a white front light or steady red light visible from a distance of 500 feet to the rear and establishes a fine of not to exceed \$25 including court costs for such violation applicable to all bicyclists.

Senate Bill 139 by Senator Marionneaux (Subject to Call - Senate Final Passage) prohibits certain trucks from using the far left lane on multi-lane highways moving in the same direction, except under certain circumstances.

Wildlife & Fisheries

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WATER/WATERWAYS

Senate Concurrent Resolution 18 by Senator Morrish (Filed with the Secretary of State) requests the office of coastal protection and restoration and the Louisiana Department of Wildlife and Fisheries (LDWF) to jointly study shoreline protection, effects on marine species diversity and habitat quality, and economic and other ecosystem service values of the Sabine Reef.

In April, 2011, a surge of water, unseen since the Great Mississippi Flood of 1927, was forecasted to test the enormous levees lining the Mississippi River, on its course through the deep south, adding another element of danger to a region already raked by deadly hurricanes, tornadoes, and thunderstorms. Louisiana, like so many other states, issued flood warnings and declared states of emergency.

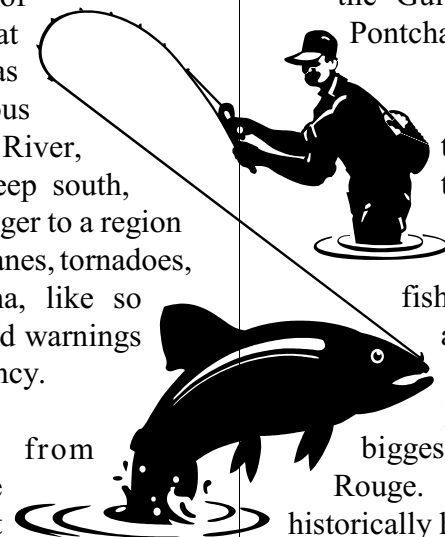
Still recovering from Hurricane Katrina in 2005, the Corps of Engineers spent billions of dollars in repairing levees and improving the flood protections, but the vast majority of that work has been focused on protecting New Orleans from hurricane surge, not river flooding. However, those who manage the levees built up since 1927, expressed confidence in them.

Because the Mississippi River was expected to crest at more than fifty feet and in

waging war against historic flooding in eight midwestern and southern states, the U.S. Army Corps of Engineers opened spillways in an effort to calm the rising Mississippi River.

The Bonnet Carre Spillway is part of a system built after the devastating 1927 Mississippi River flood. Residents with property that would flood if the spillway was opened, were warned not to dally, as the Spillway diverts water from the Mississippi to the Gulf of Mexico by way of Lake Pontchartrain.

Louisiana officials faced the decision to choose between two options: cause a flood that would drown the livelihoods of central Louisiana farmers and fishermen, or let the high river roll and frantically sandbag two hundred miles of levees to try and prevent flooding in the state's two biggest cities, New Orleans and Baton Rouge. That was the tradeoff as a historically high Mississippi River continued rolling south. Fortunately, the Corps had an ace up its sleeve, by opening a relief valve thirty-five miles northwest of Baton Rouge, the huge Morganza Spillway. In exchange, a flood would shoot down central Louisiana, and join the already high Atchafalaya River, which would further swell and flood. For two hundred miles, farmers and fishermen would pay a steep price as a torrent greater than Niagara Falls would inundate crops, crawfish



hatcheries and, possibly small cities like Houma and Morgan City. Sensitive oyster beds in the Gulf of Mexico would be imperiled by the pulse of freshwater.

The Mississippi River had flooded three million acres in Arkansas, Tennessee and Mississippi, and forced thousands from their homes. Heavy snows in the upper Midwest this winter and record rains across the Ohio River valley triggered the historic flood. On May 6, 2011, the Corps opened the spillway. The Corps was forced to open at least some of the 125 gates that march across the 3,900 foot-wide spillway. Approximately 100,000 acres of soybeans, sugar cane, rice, and corn are farmed in the spillway. It was confirmed that farmers with these crops have insurance, but insurance only covers acts of God or natural disaster. Opening the spillway is a human decision made to try to avert a natural disaster, so the farmers would be out of luck. For numerous residents, it is the price paid for living near or working on the Mississippi. It is known that the Atchafalaya and the Mississippi are working rivers with fishing, timber, and offshore oil and gas industries, which are vital to Louisiana and the nation's economy.

House Concurrent Resolution 102 by Representatives Dove, Billiot, Gisclair, Harrison, Henderson, and St. Germain and Senators Amedee and Chabert (Filed with the Secretary of the State) was filed, to express support from the Louisiana Legislature and to request the secretary of the LDWF to the United States Secretary of Commerce and the administrator of the SBA to declare a fisheries disaster in the state as a result of the Mississippi River flooding and the opening of the Morganza and Bonnet

Carre Spillways.

On May 9, 2011, the LDWF Secretary, Robert Barham submitted a letter to the U.S. Department of Commerce Secretary Gary Locke, requesting a swift application of a commercial fisheries failure declaration in anticipation of the opening of the Bonnet Carre Spillway in response to the rising waters of the Mississippi River. The letter also requested support from the Department of Commerce's Economic Development Administration for commercial and recreational fishing as well as associated businesses. The hope was that the proactive declaration and support would provide financial assistance to individual business owners in areas that may be impacted, and assistance for the restoration of recreational and commercial fisheries.

Secretary Barham also sent a letter to the United States Small Business Administration (SBA) Administrator, Karen Mills and requested the activation of all appropriate federal disaster declaration clauses that would enable the SBA to assist the small businesses in the state that may be impacted by the scheduled opening of the Bonnet Carre Spillway and the possible opening of the Morganza Spillway. Secretary Barham asked that Administrator Mills consider temporarily suspending loan repayments for coastal businesses that may be impacted by flood waters that currently have SBA disaster and economic injury loans as a result of the 2010 Deepwater Horizon oil spill, and hurricanes Katrina, Rita, Ike and Gustav.

On the same day as Secretary Barham's letter, area spillways were opened in an effort to relieve pressure on levee systems. State

officials cautioned residents that state law prohibits driving on levees and parking on shoulders of roadways. In addition to motorists exposing themselves to hazardous conditions from rising water levels, vehicles driven on top of levees can cause damage to levee infrastructure and obstruct official vehicles.

The LDWF and the Louisiana State Police were assigned to patrol affected areas throughout the state for potentially dangerous situations and motorist and/or boaters creating hazards.

Because flood waters carry reptiles into populated areas where they may not normally be seen in significant number, the LDWF personnel were made available to respond to situations involving wildlife species that could move into populated areas or become stranded by high water. LDWF also provided advice to avoid areas where displaced wildlife take refuge, to avoid interaction and not feed displaced wildlife, and to avoid roadways near flooded areas to reduce the likelihood of collisions with wildlife.

On May 25, 2011, due to the high water conditions that were caused by the opening of the Morganza Spillway, the LDWF closed all boat traffic for a four-mile stretch in the Atchafalaya Basin in St. Martin Parish. Lower than usual electrical lines could be a deadly hazard for boaters.

FISH/FISHERIES

House Bill 477 by Representative Fannin (Sent to the Governor) proposes to transfer monies into the Overcollections Fund from various funds and for the transfer of

monies into the Louisiana Medical Assistance Fund from various funds. The Louisiana Wildlife Federation worked hard to stop the Louisiana Legislature and the governor from raiding the LDWF's Artificial Reef Enhancement Fund. To so many and at a time when Louisiana's coast needs fisheries habitat development more than at any other time in history, the Federation believes state lawmakers were aiming to drain nearly \$27 million from the constitutionally protected fund. The LDWF joined the Federation, working to ensure lawmakers understood that healthy fish habitat is vital to the economy and culture of Louisiana, and the funds committed are not for taking for any reason but reefs and fisheries. Media reports indicate that the Coastal Conservation Association remained silent on the issue, even though it is one of the primary movers of artificial reef development. It is believed that losing the money could have an especially big impact on the future of recreational fishing. It has been reported that Southwest Louisiana continues to lose its fisheries habitat at the highest rate of any coastal area in the nation. Scientists indicate that as the habitat base becomes slimmer and production eventually begins to fall off, this would leave limited fishing resources similar to those in Texas and Florida. Artificial reefs cannot replace the production lost as marsh becomes open water, but they become critically important as places to enjoy a day of fishing as production drops.

Another bill regarding the artificial reef bill is **House Bill 296 by Representative Greene (Sent to the Governor)**. This legislation allows up to 10% of the annual donations and interest income from the fund to be used by the department to provide funding for inshore fisheries habitat

enhancement projects, particularly in support of the Artificial Reef Program. It also provides that such funding may be used for grants to nonprofit conservation organizations working in cooperation with the department.

House Bill 293 by Representatives Dove and Richard (Pending Conference Committee) authorizes the Wildlife and Fisheries Commission (WFC) to promulgate rules to manage recreational landings of fish species managed cooperatively with the Gulf of Mexico Fishery Management Council. It also authorizes the WFC to promulgate rules requiring the use of a vessel monitoring system by oyster harvester vessels taking oysters from the natural public reefs or the public seed grounds or reservations.

House Resolution 94 by Representative Harrison (Filed with the Secretary of State) requests the LDWF to study and examine possible alternatives and additional sources of revenue to fund the operation of the Louisiana Seafood Promotion and Marketing Board. The rapid decline in the issuance of commercial fishing licenses has left the Board with insufficient funds to fulfill its statutory mission.

House Concurrent Resolution 96 by Representative Hoffman (Filed with the Secretary of State) requests the WFC to carefully study the deer bag limits, after determining the sustainability of the deer hunted in this state, the health of the herds, the quality of the habitat necessary to sustain the herds, the practices of other states in setting bag limits, and the experience of other states that have had impacts on bag limits.

House Concurrent Resolution 24 by Representative Lambert (Filed with the Secretary of State) requests the WFC to add rifles capable of firing .35 Whelen ammunition to the list of firearms authorized to be used during the special deer hunting season for primitive firearms. Expanding the list of primitive firearms to include the Whelen will provide greater opportunities for Louisiana to participate in the special deer season for primitive firearms.

WILDLIFE/FISHERIES

Current law authorizes the year-round sale for raw consumption of oysters harvested in Louisiana waters. **House Bill 245 by Representative Girod Jackson (Act 1)** retained the present law while also requiring that during the period from May 1 to Oct 21 each year, movement of oysters from harvest to refrigeration must take no more than five hours.

Current law allows oyster harvesting in Calcasieu Lake using tongs, a hand dredge, a single dredge with mechanical assist that has a tooth bar no more than 36 inches long; or use of a single scraper with mechanical assist and a flat bar length of no more than 36 inches. **House Bill 293 by Representative Dove (Conference Committee Report, Received by the House)** authorizes the WFC to set oyster harvest limits on Calcasieu Lake and provides for issuance of a special permit to 125 people each year to harvest oysters on Calcasieu Lake. It also allows that harvest limits on Calcasieu Lake will be such that each permittee may harvest up to 25 sacks per day from one, and only one, licensed vessel. One and only one permittee may harvest from each licensed vessel per day and no vessel will be used for more than one trip per day. It also

provides for penalties for illegal oyster harvesting on Calcasieu Lake.

Current law authorizes a crawfish farmer or landowner to kill nuisance animals, such as opossums, raccoons, nutria, or beavers that are destroying crawfish ponds, with a .22 caliber rimfire rifle. **House Bill 64 by Representative Bobby Badon (Act 27)** adds otters, muskrats, and minks to the list of nuisance animals covered by these provisions and also authorizes the use of a .17 caliber rimfire rifle or a 12-gauge or smaller shotgun using nontoxic shots no larger than BB-size.

Women & Children

by: *Bobbie Hunter*
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Louisiana legislators continue to sponsor legislation for the purpose and the protection of women and children.

House Bill 586 by Representative Hoffman (Became House Bill 636) provides for the Forced Abortion Prevention Sign Act. This legislation requires that every facility in which abortions are performed, induced, prescribed for, or where the means for an abortion are provided shall display signage which provides messages regarding women's rights, forced abortion, fatherhood, adoptive parents and other pregnancy resources on a website maintained by the Department of Health and Hospitals (DHH). HB 586 requires that at least 24 hours prior to a scheduled abortion, the physician who is to perform the abortion, the referring physician, or a qualified person inform the woman, orally and in person, that the DHH website:

1. May indicate medical assistance benefits available for prenatal care, childbirth, and neonatal care.

2. Describes the unborn child and lists agencies which offer alternatives to abortion.

HB 401 by Representative Hutter (Sent to the Governor) increased the penalties for first and second offenses of domestic abuse battery. Presently any person

who commits the crime of domestic abuse battery shall be punished as follows:

1. On a first conviction, the offender shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned for not less than 10 days nor more than six months. Imposition or execution of sentence shall not be suspended unless the offender participates in a court-approved domestic abuse prevention program.

2. On a conviction of a second offense, the offender shall be fined not less than \$750 nor more than \$1,000 and shall be imprisoned for not less than 30 days nor more than six months. At least 48 hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Enforcement or execution of the remainder of the sentence shall not be suspended unless the offender participates in a court-approved domestic abuse prevention program.

3. If the victim is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender shall be required to serve a minimum of 30 days without benefit of suspension of sentence for a first conviction, upon a second conviction



shall serve a minimum of six months imprisonment without benefit of suspension of sentence, upon a third conviction shall serve a minimum of two years with or without hard labor without benefit of probation, parole, or suspension of sentence, and upon a fourth and subsequent offense shall serve a minimum of four years at hard labor without benefit of probation, parole, or suspension of sentence.

HB 401 amended present law penalties as follows:

1. On a first conviction, proposed law increases the minimum term of imprisonment to not less than 30 days with at least 48 hours of the sentence being served without benefit of parole, probation, or suspension of sentence. Enforcement of the remainder of the sentence shall not be suspended unless the offender participates in a court-approved domestic abuse prevention program and either serves four days in jail or participates in eight, eight-hour days of community service.
2. On a conviction of a second offense, proposed law increases the minimum term of imprisonment to not less than 60 days with at least 96 hours of the sentence being served without benefit of parole, probation, or suspension of sentence. Enforcement of the remainder of the sentence shall not be suspended unless the offender participates in a court-approved domestic abuse prevention program and either serves 30 days in jail or

participates in 30 eight-hour days of community service.

3. If the victim of domestic abuse battery is pregnant, HB 401 law increases the minimum term of imprisonment to 45 days for a first conviction and one year for a second conviction.

Senate Concurrent Resolution 58 by Senator Mount (Pending Senate Concurrence) requests various public agencies and private associations and stakeholders to work in collaboration through the Human Trafficking of Minors Study Group to study and make recommendations to the legislature, methods which may be utilized in an effort to eliminate the problem of human trafficking of minors in the state of Louisiana.

According to the United State Department of Justice, the average age of entry for children victimized by the sex trade industry is 12 years old and approximately three hundred thousand children in the U.S. are at risk every year for commercial sexual exploitation. The National Center for Missing and Exploited Children estimates that of the more than two million children who run away each year in the United States, within 48 hours of hitting the streets, one-third of these children are lured or recruited into the underground world of prostitution and pornography. The United States Department of State estimates that approximately 80% of human trafficking victims are women and girls and up to 50% are minors.

The Human Trafficking of Minors Study Group shall submit a report to the governor and the Legislature no later than February 1, 2012 which details the findings

and conclusions of the group.

House Bill 320 by Representative Norton (Assigned to House Labor & Industrial Relations) enacts the "Louisiana Equal Pay for Women Act which provides that the public policy of this state is declared to be that paying unequal wages based on sex unjustly discriminates against the person receiving the lesser rate. HB 320 makes it unlawful for an employer who employs four or more employees to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work.

It shall be unlawful for a labor organization to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work. There shall be exceptions for instances where pay is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on a factor other than sex as long as such system is job-related or furthers a legitimate business purpose.

An employer is prevented from reducing an employee's pay in order to comply with proposed law. HB 320 declares it unlawful for a person to discharge or discriminate against an individual who has filed any charges, given any information, or testified in any inquiry relating to any right provided under proposed law. Any employee who believes that his employer has violated a provision of proposed law shall provide written notice to the employer of the violation.

HB 320 requires that an employer who receives written notice of a violation shall have 90 days to remedy the violation, and if such violation is remedied within 90 days, the employee may not bring an action against the employer. If the employer fails to remedy the violation, the employee may file an action in a district court of competent jurisdiction.

An employer in violation of the provisions of proposed law may be liable for damages inclusive of unpaid wages, an amount of one-half of unpaid wages in liquidated damages, reasonable attorney fees, costs, employment, reinstatement, promotion, and any benefits lost.

Monetary relief for a violation is limited to a 36-month period prior to the filing of the action in a district court of competent jurisdiction. The employer and employee may settle for a lesser amount of damages. HB 320 requires employers to make and preserve records that document names, addresses, occupations of employees, and their wages. The records shall be preserved for not less than three years.

House Bill 313 by Representative Simon (Sent to the Governor) provides for suitable accommodations for breastfeeding and lactation in 10 state buildings by July 1, 2014. State buildings includes state-owned buildings, educational institutions, and office buildings which are constructed, renovated, or remodeled with state funds. The suitable accommodation shall be in the form of a room, other than a toilet stall, for the exclusive use of women to breastfeed or expressing breast milk. Such accommodation shall have a lockable door, work surface and chair, storage for cleaning supplies and

conveniently placed electrical outlets. The office of state buildings is authorized to contract and accept private contributions, gifts or grants. HB 313 excludes buildings constructed by parish or city school boards.